रजिस्ट्री सं० डी० 221 REGISTERED No. D. 221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उपखण्ड (ii)
PART II—Section 3—Sub-section (ii)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 210] नई दिल्ली, बृहस्पतिवार, अप्रैल 20, 1972/चैत्र 31, 1894
No. 210] NEW DELHI, THURSDAY, APRIL 20, 1972/CHAITRA 31, 1894

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF INDUSTRIAL DEVELOPMENT

NOTIFICATIONS

New Delhi, the 20th April 1972

S.O. 300(E).—In exercise of the powers conferred by sub-section (3) of section 1 of the Patents Act, 1970 (39 of 1970), the Central Government hereby appoints the 20th April, 1972 as the date on which the said Act, other than sub-section (2) of section 12, sub-section (2) of section 13, section 28, section 68 and sections 125 to 132 thereof, shall come into force.

[No. F. 21(4)-SP&D/72.]

S.O. 301(E).—Whereas a draft of the Patents Rules were published as required by sub-section (3) of section 159 of the Patents Act, 1970 (39 of 1970), by the notification of the Government of India, in the Ministry of Industrial Development No. S.O. 5246, dated the 25th November, 1971, at pages 3167 to 3.226/1 of the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 25th November, 1971;

And whereas objections and suggestions were invited till the 25th January, 1972, from all persons likely to be affected thereby;

And whereas the draft of the Patents Rules was made available to the public through the said Gazette dated the 25th November, 1971;

And whereas the date specified above for the purpose of inviting objections and suggestions on the said draft was extended to the 14th February, 1972, by the

notification of the Government of India, in the Ministry of Industrial Development No. S.O. 39(E), dated the 2nd February, 1972, published at page 229 of the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 2nd February, 1972;

And whereas the notification was made available to the public through the said Gazette dated the 2nd February, 1972,

And whereas the objections and suggestions received from the public on the said draft Rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 159 of the Patents Act, 1970 (39 of 1970), the Central Government hereby makes the following rules, namely:—

THE PATENTS RULES, 1972

CHAPTER I

Preliminary

1. **Short title and commencement.**—(1) These rules may be called the Patents Rules, 1972.

(2) Save as otherwise provided in these rules, these rules shall come into force on the twentieth day of April, 1972:

Provided that rule 21, rules 49 to 53, rule 73 and rules 93 to 105, which relate to sub-section (2) of section 12, sub-section (2) of section 13, section 28, section 68 and sections 125 to 132 of the Act respectively shall come into force on the date on which the said sections are brought into force.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

(a) "Act" means the Patents Act, 1970 (39 of 1970);

(b) "appropriate office" means the appropriate office of the Patent Office as specified in rule 4;

(c) "article" includes any substance or material, and any plant, machinery or apparatus, whether affixed to land or not;

(d) "Form" means a Form specified in the Second Schedule;

(e) "Schedule" means Schedule to these rules;

(f) "section" means a section of the Act;

(g) words and expressions used, but not defined in these rules, shall have the meanings respectively assigned to them in the Act.

3. **Prescribed particulars.**—Save as otherwise provided in these rules, the particulars contained in a Form are hereby prescribed as the particulars, if any, required under the relevant provision or provisions of the Act.

4. **Appropriate office.**—(1) The appropriate office of the Patent Office shall—

(i) for all the proceedings under the Act, other than those under sections 43, 44, 51, 52, 60, 65, 68, 125, 153 and 154, be the Head Office of the Patent Office or the branch office, as the case may be, within whose territorial limits—

(a) the applicant for a patent resides or has his principal place of business or domicile; or

(b) the applicant for a patent whose name is first mentioned, resides or has his principal place of business or domicile, if the application is made jointly in the names of two or more persons; or

(c) the agent of the applicant for a patent or party to the proceeding, has his principal place of business, if the applicant or the said party has no place of business or domicile in India; and

(ii) for proceedings under sections 43, 44, 51, 52, 60, 65, 68, 125, 153 and 154; be the head office of the Patent Office.

(2) Notwithstanding anything contained in sub-rule (1), until branch offices are established in accordance with the provisions of sub-section (3) of section 74, the appropriate office for all proceedings under the Act shall be the head office of the Patent Office at Calcutta.

5. **Address for service.**—Every person, concerned in any proceedings to which the Act or these rules relate and every patentee, shall furnish to the Controller an address for service in India and that address may be treated for all purposes connected with such proceedings or patent as the address of the person concerned in the proceedings or of the patentee. Unless such an address is given, the Controller shall be under no obligation either to proceed or deal with any proceeding, or patent or to send any notice that may be required to be given under the Act or these rules.

6. **Leaving and serving documents.**—(1) Any application, notice or other document authorised or required to be filed, left, made or given at the Patent Office, or to the Controller or to any other person under the Act or these rules, may be sent by hand or by a letter addressed to the Controller at the appropriate office or to that person through post, and if it is sent by post it shall be deemed to have been filed, left, made or given at the time when the letter containing the same would have been delivered in the ordinary course of post. In proving such serving, it shall be sufficient to prove that the letter was properly addressed and posted.

(2) Any written communication addressed to a patentee at his address as it appears on the register of patents or at his address for service given under rule 5, or to any applicant or opponent in any proceedings under the Act or these rules, at the address appearing on the application or notice of opposition, or given for service, shall be deemed to be properly addressed.

7. **Fees.**—(1) The fees payable in respect of the grant of patents and applications therefor and in respect of other matters for which fees are required to be payable under the Act shall be as specified in the First Schedule.

(2) (a) The fees payable under the Act may either be paid in cash or may be sent by money order or postal order payable to the Controller at the appropriate office or bank draft or cheque payable to the Controller, drawn on a scheduled bank at the place where the appropriate office is situate. If the fees are sent through money order or if the draft or cheque is sent by post, the fees shall be deemed to have been paid on the date when the money order or the draft or cheque would have reached the Controller in the ordinary course of post.

(b) Cheques or drafts not including the correct amount of commission and cheques on which the full value specified therein cannot be collected in cash within the time allowed for payment of the fees, shall be accepted only at the discretion of the Controller.

(c) Stamps shall not be received in the payment of any fees payable under the Act.

(d) Where a fee is payable in respect of the filing of a document, the date on which the entire fee is paid shall be deemed to be the date of filing of the document.

(e) Where any fee paid by a person is to be returned by the Controller under any of the provisions of the Act or these rules, the amount may be sent by money order and the commission payable therefor shall be deducted from the amount to be sent.

8. **Forms.**—(1) The forms set forth in the Second Schedule with such variations as the circumstances of each case may require shall be used for the purposes mentioned therein.

(2) Where no Form is so specified for any purpose, the applicant may adopt any Form specified in the Second Schedule with such modifications and variations as the Controller may permit.

9. **Size etc. of documents.**—(1) All documents and copies of documents, except affidavits and drawings, sent to or left at the Patent Office or otherwise furnished to the Controller shall be written, typewritten, lithographed, or printed in the English language (unless otherwise directed or allowed by the Controller) in large and legible characters with deep indelible ink with lines widely spaced upon one side only of strong white paper of a size of approximately 33.00 centimetres by 20.50 centimetres (13 inches by 8 inches) or 29.7 centimetres by 21 centimetres (11¾ inches by 8¼ inches) with a margin of at least four centimetres (one and a half inches) on the left-hand part thereof. Any signature which is not legible or which is written in a script other than English shall be accompanied by a transcription of the name in English in block letters.

(2) Additional copies of all documents shall be filed at the appropriate Office, if required by the Controller.

(3) Names and addresses of applicants and other persons shall be given in full together with their nationality and such other particulars, if any, as are necessary for identification.

10. **Signature and verification of documents.**—The documents specified in sub-section (2) of section 128 of the Act shall be dated and signed at the foot and shall contain a statement that the facts and matters stated therein are true to the best of the knowledge, information and belief of the person signing the said documents.

CHAPTER II

Applications for patents

11. **Period within which proof of the right to make the application shall be furnished.**—Where in an application for a patent made by virtue of an assignment of the right to apply for the patent for the invention, if the proof of the right to make the application is not furnished with the application, the applicant shall within a period of three months after the filing of such application furnish such proof.

12. **Order of recording applications.**—The applications filed in a year shall constitute a series identified by the year of such filing.

13. **Statement and undertaking regarding foreign applications.**—(1) The statement and undertaking required to be filed by an applicant for a patent under sub-section (1) of section 8 shall be made in Form 4.

(2) The time within which the applicant for a patent shall keep the Controller informed of the details in respect of other applications filed in any country outside India in the undertaking to be given by him under clause (b) of sub-section (1) of section 8 shall be three months from the date of such filing.

14. **Specifications.**—(1) Every specification, whether provisional or complete, shall commence with the title of the invention, the name, nationality and address of the applicant as given in the application and shall be signed and dated at the end by the applicant or his agent.

(2) A specification in respect of a patent of addition shall contain a specific reference to the number of the main patent, or the application for the main patent, as the case may be, and a definite statement that the invention comprises an improvement in, or a modification of, the invention claimed in the specification of the main patent granted or applied for.

(3) Where the invention is capable of representation by drawings, such drawings shall be prepared in accordance with the provisions of rules 16 to 19 and shall be supplied with, and referred to in detail, in the specification:

Provided that in the case of a complete specification if the applicant desires to adopt the drawings filed with his provisional specification as the drawings or part of the drawings for the complete specification, it shall be sufficient to refer to them in the complete specification as those left with the provisional specification.

(4) Irrelevant or other matter, not necessary, in the opinion of the Controller, for elucidation of the invention, shall be excluded from the title, description, claims and drawings.

(5) Except in the case of an application (other than a convention application) which is accompanied by a complete specification, a declaration as to the inventorship of the invention shall be filed in Form 6 with the complete specification or at any time before the expiration of three months from the date of filing of the complete specification, as the Controller may allow on an application made in Form 7.

15. **Amendments to specifications.**—(1) when a provisional or complete specification or any drawing accompanying it has been received by the applicant or his agent for amendment, the necessary alterations shall be made thereon as far as possible. Additional matter may be interpolated if necessary, by rewriting

such pages as are required to form a continuous document. Amendments shall not be made by slips pasted on, or as foot notes or by writing in the margin of any of the said documents.

(2) The amended documents shall be returned to the Controller together with the superceded pages or drawings, if any, duly marked cancelled and initialled by the applicant or his agent. Copies of any pages that have been retyped or added and of any drawing that has been added or substantially amended shall be sent in triplicate. Amendments, alterations or additions shall be initialled in the margin by the applicant or his agent.

16. **Drawings.**—(1) Drawings, when furnished by the applicant otherwise than on a requisition made by the Controller, shall accompany the specifications to which they relate.

(2) No drawings or sketch, which would require the preparation of a special illustration for use in the letter press of the specification when printed, shall appear in the specification itself.

(3) Drawings shall be delivered flat or so rolled as to be free from crease.

(4) At least one copy of the drawing shall be suitable for reproduction, and for that purpose, shall be prepared on tracing cloth or transparent or semi-transparent sheet, or film made of plastics or fibreglass.

(5) Mounted drawings shall not be used.

17. **Size of paper, etc. on which drawings shall be furnished.**—(1) Drawings shall be on sheets which measure 33.00 centimetres (about 13 inches) from top to bottom and 20.50 centimetres or 41.00 centimetres (8 inches or 16 inches) wide, the narrower sheets being preferable. A clear margin of 1.50 centimetres (about $\frac{1}{2}$ inch) shall be left from the edges of the sheets.

(2) If there are more figures than can be shown on any of the smaller sized sheets (33 c.m. X 20.50 c.m.) two or more of such sheets shall be used in preference to using any larger sized sheet. When an exceptionally large figure is required to be drawn, it shall be continued on subsequent sheets and if necessary any number of sheets may be used. The figures shall be numbered consecutively throughout and without regard to the number of sheets used. Sufficient space shall be kept between the figures so that they may be distinct.

18. **Particulars of drawings.**—Drawings shall be prepared in accordance with the following requirements, namely:—

(a) Drawings shall be executed with indelible black ink.

(b) Each line shall be firmly and evenly drawn, sharply defined and shall be of the same strength throughout.

(c) Section lines, lines for effect and shading lines, shall be as few as possible and shall not be closely drawn.

(d) Shading lines shall not contrast too much in thickness with general lines of the drawings.

(e) Sections and shading shall not be represented by solid black or washes.

(f) Drawings shall be on a scale sufficiently large to show the inventions clearly and only so much of the apparatus, machine or other matter shall appear to achieve this object. If the scale is given, it shall be drawn and not denoted by words. No dimensions shall be marked on the drawings.

(g) The figures shall be drawn in an upright position in regard to the top and bottom of the sheet.

(h) Reference letters and numerals, and index letters, symbols and numerals used in conjunction therewith, shall be bold, distinct and not less than 0.3 centimetre (one-eighth of an inch) in height. The same letters or numerals shall be used to indicate the same parts in different views where the reference letters or numerals are shown outside the figure, they shall be connected by fine lines with the parts to which they refer.

19. **Further particulars about drawings.**—(1) Drawings shall bear—

(i) in the left hand top corner, the name of the applicant;

(ii) in the right hand top corner, the number of the sheets of drawings and the consecutive number of each sheet; and

(iii) in the right hand bottom corner, the signature of the applicant or his agent.

(2) Neither the title of the invention or any descriptive matter shall appear on the drawings.

(3) No descriptive matter shall appear on constructional drawings, but drawings in the nature of flow sheets may bear descriptive matter to show the materials used and the chemical or other reactions or treatments effected in carrying out the invention.

(4) Drawings showing the number of instruments or units of apparatus and their interconnections, either mechanical or electrical, where each such instrument or unit is shown only symbolically, may bear such descriptive matter as is necessary to identify the instruments or units or their inter-connections.

(5) No drawing or sketch or graphic chemical formula shall appear in the descriptive part of the specification and if such drawing, sketch or formula is used therein, a copy thereof, prepared in the same manner as the drawings, shall be furnished, if the Controller so directs.

20. **Models.**—(1) Models or samples shall be furnished only when required by the Controller.

(2) Except as permitted by the Controller, no model shall exceed twelve inches on its longest side.

(3) Samples shall be enclosed in convenient containers.

(4) Dangerous substances shall be supplied only in accordance with the directions of the Controller.

(5) Every moodel or sample shall be clearly and securely labelled or marked so as to identify the application to which it relates.

CHAPTER III

Examination of applications

21. **Procedure in case of anticipation by prior publication.**—(1) If the Controller is satisfied after investigation under section 13 that the invention so far as claimed in any claim of the complete specification has been published in any specification or other document referred to in clause (a) of sub-section (1) or sub-section (2) of the said section, the Controller shall communicate the gist of such objections to the applicant and the applicant shall be afforded an opportunity to amend his specification.

(2) If the applicant contests any of the objections communicated to him by the Controller under sub-rule (1) or if he refiles his specification along with his observations whether or not the specification is amended, he shall be given an opportunity to be heard in the matter if he so requires.

(3) If the applicant requires a hearing under sub-rule (2) within a period of one month from the date of communication of the gist of objections or if the Controller considers it desirable to do so, whether or not the applicant has refiled his application, fix a date for hearing having regard to the time remaining for putting the application in order or other circumstances of the case.

(4) When a hearing is fixed under sub-rule (3), the applicant shall be given at least 10 days' notice of such fixation or such shorter notice as appears to the Controller to be reasonable in the circumstances of the case and the applicant shall, as soon as possible notify the Controller whether he will attend the hearing.

(5) After hearing the applicant, or without a hearing if the applicant has not attended or has notified that he does not desire to be heard, the Controller may, specify or permit such amendment of the specification as he thinks fit to be made and may refuse to accept the specification unless the amendment so specified or permitted is made within such period as he may fix.

22. **Procedure in case of anticipation by prior claiming.**—(1) When it is found that the invention so far as claimed in any claim of the complete specification is

claimed in any claim of any other specification falling within clause (b) of sub-section (1) of section 13, the applicant shall be so informed and shall be afforded an opportunity to amend his specification.

(2) If the applicant's specification is otherwise in order for acceptance and an objection under clause (b) of sub-section (1) of section 13 is outstanding, the Controller may accept the specification and allow a period of two months from the date of its publication for removing the objection.

(3) If an objection under clause (b) of sub-section (1) of section 13 is communicated to the applicant after acceptance of the specification, a period of two months from the date of the communication shall be allowed for removing the objection.

23. **Amendment of the complete specification in case of anticipation.**—If the applicant so requests at any time, or if the Controller is satisfied that the objection has not been removed within the period prescribed by rule 22, a date for hearing the applicant shall be fixed and the applicant shall be given at least ten days' notice of the date so fixed. The applicant shall, as soon as possible, notify the Controller whether he will attend the hearing.

(2) After hearing the applicant, or without a hearing if the applicant has not attended or has notified that he does not desire to be heard, the Controller may specify or permit such amendment of the specification as will be to his satisfaction to be made and may direct that reference to such other specification, as he shall mention shall be inserted in the applicant's specification unless the amendment is made or agreed to within such period as he may fix.

24. **Extension of the period specified in rules 22 and 23.**—The periods mentioned in rule 22 or rule 23 may be extended if a request for such extension is made in Form 7 before the expiry of such period or the extended period, so, however that the total extension of either period allowed under this rule shall not exceed six months.

25. **Form of reference to another specification.**—When in pursuance of rule 23, the Controller directs that a reference to another specification shall be inserted in the applicant's complete specification, such reference shall be inserted after the claims and shall be in the following form, namely:—

"Reference has been directed, in pursuance of section 18(2) of the Patents Act, 1970, to the specification filed in pursuance of application No."

26. **Procedure in case of potential infringement.**—If in consequence of an investigation made under section 13 or section 25, it appears to the Controller that the applicant's invention cannot be performed without substantial risk of infringement of a claim of another patent, the applicant shall be so informed and the procedure provided in rules 22 to 24 shall, so far as may be necessary, be applicable.

27. **Form of reference to another patent.**—Where the Controller directs that a reference to another patent shall be inserted in the applicant's complete specification under sub-section (1) of section 19 such reference shall be inserted after the claims in the following form, namely:—

"Reference has been directed, in pursuance of section 19(1) of the Patents Act, 1970, to Patent No. .".

28. **Form of application under sub-section (2) of section 19.**—An application under sub-section (2) of section 19 for the deletion of a reference inserted pursuant to a direction under sub-section (1) of section 19 shall be made in Form 9.

29. **Manner in which a claim under section 20(1) shall be made.**—(1) A claim under sub-section (1) of section 20 shall be made in Form 10.

(2) The original assignment or agreement or an official or notarically certified copy thereof shall also be produced for the Controller's inspection and the Controller may call for such other proof of title or written consent as he may require

30. **Manner in which a request may be made.**—(1) A request under sub-section (4) of section 20 shall be made in Form 11.

(2) The consent by the legal representative of the deceased joint applicant required to be given under sub-section (4) of section 20 shall be endorsed on the request.

(3) The request shall also be accompanied by proof of death of the joint applicant and a certified copy of the probate of the will of the deceased or letters of administration in respect of his estate or any other document to prove that the person who gives the consent is the legal representative of the deceased first applicant.

31. **Manner of application under section 20(5).**—(1) An application under sub-section (5) of section 20 shall be made in Form 12 in duplicate and shall be accompanied by a statement setting out fully the facts upon which the applicant relies and the directions which he seeks.

(2) A copy of the application and statement shall be sent by the Controller to every other joint applicant and the person making the application shall apply sufficient number of copies for that purpose.

32. **Numbering of applications on acceptance of the complete specification.**—On the acceptance of a complete specification filed in respect of an application, the application shall be accorded a number (called serial number) in the series of numbers accorded to patents under the Indian Patents and Designs Act, 1911 (2 of 1911) which shall be the number of the patent which may be sealed in pursuance of the application.

33. **Inspection of application, specification, etc.**—After the date of advertisement of the acceptance of a complete specification under section 23, the application together with the provisional and complete specifications, the drawings and documents, if any, filed in respect of the application may be inspected at the appropriate office free of charge.

CHAPTER IV

Opposition to grant of patent

34. **Manner of application for extension of time under section 25(1).**—(1) An application for extension of time for giving notice of opposition to the grant of patent under sub-section (1) of section 25 shall be made in Form 14 and left at the appropriate office within four months from the date of advertisement of the acceptance of the complete specification stating the reasons for the grant of extension of time.

(2) The application for extension of time shall be filed in triplicate.

(3) One copy of the application for extension of time shall be sent by the Controller to the applicant for patent.

35. **Filing of notice of opposition.**—The notice of opposition to be given under sub-section (1) of section 25 shall be made in Form 15 and sent to the Controller in triplicate.

36. **Written statement of opposition.**—(1) The opponent shall also send a written statement in triplicate setting out the nature of the opponent's interest, the facts upon which he bases his case and the relief which he seeks along with the notice of opposition or within one month from the date of the notice of opposition.

(2) The Controller shall furnish the applicant for patent (hereinafter in this chapter referred to as the applicant) with a copy each of the notice of opposition and the written statement filed by the opponent.

37. **Time for filing reply statement.**—If the applicant desires to contest the opposition, he shall leave at the appropriate office a reply statement in duplicate setting out fully the grounds upon which the opposition is contested, within a period of one month from the date of receipt of the copy of the written statement by him under rule 36 and deliver to the opponent a copy thereof.

38. **Time for leaving evidence of opponent.**—The opponent may, within one month from the date of delivery to him of the copy of the applicant's reply statement under rule 37 leave at the appropriate office evidence in duplicate, in respect of his case and shall deliver to the applicant a copy of the evidence.

39. **Time for leaving applicant's evidence.**—Within one month from the date of delivery to him of the copy of the opponent's evidence under rule 38 or if the opponent does not file any evidence within one month from the expiration of time within which the opponent's evidence might have been left, the applicant may leave at the appropriate office evidence in duplicate in support of his case and shall deliver to the oponent a copy thereof.

40. **Reply evidence by opponent.**—The opponent may, within one month from the date of delivery to him of a copy of the applicant's evidence under rule 39, leave at the appropriate office evidence in reply in duplicate strictly confined to matters in the applicant's evidence and shall deliver to the applicant a copy of such evidence.

41. **Further evidence to be left with the leave of the Controller.**—No further evidence shall be delivered by either party except by leave or directions of the Controller.

42. **Number of copies to be supplied of documents.**—(1) Copies of all documents other than Indian patents specification referred to in the notice of opposition or in any statement or evidence filed in connection with the opposition and authenticated to the satisfaction of the Controller, shall—

(a) in a case where they are referred to in the notice of opposition and written statement, be furnished in triplicate; and

(b) in any other case, be furnished in duplicate,

unless the Controller otherwise directs. The number of copies shall accompany the notice, statement or evidence as the case may be in which they are referred to.

(2) Where a specification or other document in a language other than English is referred to in the notice, statement or evidence, an attested translation thereof, in triplicate, in English shall be furnished.

43. **Extension of time.**—The time allowed for filing the reply statement or evidence shall not ordinarily be extended except by a special order of the Controller given on a petition made by the person seeking extension of time and on payment of the fee specified therefor in the First Schedule:

Provided that the extension so granted shall in no case exceed three months in the aggregate.

44. **Hearing.**—(1) On the completion of the presentation of evidence, if any, or at such other time as the Controller may think, fit, he shall appoint a time for the hearing of the opposition and shall give the parties not less than ten days' notice of such hearing.

(2) If either party to the proceeding desires to be heard, he shall inform the Controller by a notice in Form 16.

(3) The Controller may refuse to hear any party who has not given notice under sub-rule (2).

(4) If either party intends to refer at the hearing to any publication not already mentioned in the notice, statement or evidence, he shall give to the other party and to the Controller not less than five days' notice of his intention, together with details of such publication to which he intends to refer.

(5) After hearing the party or parties desirous of being heard, or if neither party desires to be heard, then without a hearing, the Controller shall decide the opposition and notify his decision to the parties giving reasons therefor.

45. **Determination of costs.**—If the applicant notifies the Controller that he does not desire to proceed with the application after notice of opposition is given, the Controller in deciding whether costs should be awarded to the opponent, shall consider whether opposition might have been avoided if the opponent had given reasonable notice to the applicant before the notice of opposition was given to the Controller.

46. **Time within which complete specification is to be amended under section 27.**—The time within which an applicant shall amend his complete specification to the satisfaction of the Controller under section 27 shall be two months from the date of such intimation by the Controller.

47. **Procedure to be followed.**—(1) If the specification has not been amended to the satisfaction of the Controller within the time allowed under rule 46, including any extension thereof which the Controller may allow, a time for hearing shall be appointed and the applicant shall be given at least ten days' notice of such date of hearing.

(2) The applicant shall as soon as possible, notify the Controller whether he will attend the hearing.

(3) After hearing the applicant, or without a hearing if the applicant has not attended or has notified that he does not desire to be heard, the Controller may prescribe or permit such amendment of the specification as will be to his satisfaction to be made and may refuse to grant a patent unless the amendment is made or agreed to within two months from the date of his order.

48. **Extension of time.**—A request for extension of time specified in rule 46 or in sub-rule (3) of rule 47 shall be made in Form 17 and the total extension of time given under either of the said rules shall not exceed two months.

49. **Manner of request under section 28(2).**—A request under sub-section (2) of section 28 shall be made in Form 18.

50. **Manner of making a claim under section 28(3).**—(1) A claim under sub-section (3) of section 28 shall be made in Form 19, and shall be accompanied by a statement setting out the circumstances under which the claim is made.

(2) A copy of the claim made and of the statement shall be sent by the Controller to every applicant for the patent (not being the claimant) and to any other person whom the Controller may consider to be interested and the claimant shall supply sufficient number of copies for the purpose.

51. **Form of application to be made under sub-section (7) of section 28.**—(1) An application under sub-section (7) of section 28 for a certificate shall be made in Form 20 and shall be accompanied by a statement setting out the circumstances under which the application is made.

(2) A copy of the application and of the statement shall be sent by the Controller to each patentee or the applicant for patent, as the case may be (not being the applicant), to the person mentioned as the actual deviser, and to any other person whom the Controller may consider to be interested and the applicant shall supply sufficient number of copies for the purpose.

52. **Procedure for the hearing of claim or an application under section 28.**—The procedure specified in rules 35 to 45 relating to the filing of notice of opposition, written statement, reply statement, leaving evidence and hearing shall, so far as may be, apply to the hearing of a claim or an application under section 28 as they apply to the proceedings in opposition to the grant of patents subject to the modification that reference to applicant shall be construed as the person making the claim or an application as the case may be.

53. **Mention of inventor.**—Any mention of the inventor under sub-section (1) of section 28 shall be made in the patent after the name of the Controller, and on the complete specification at the head of Form 3A and may be in the following form, namely:—

"The inventor of this invention substantial part of this invention within the meaning of section 28 of the Patents Act, 1970, is. of".

CHAPTER V

Secrecy Directions

54. **Communication of result of reconsideration under section 36(2).**—The result of every reconsideration under sub-section (1) of section 36 shall be communicated in writing to the applicant for patent within fifteen days of the receipt by the Controller of the notice under that sub-section

55. **Extension of time on revocation of secrecy directions under section 38.**—The extension of time to be given for doing anything required or authorised to be done under section 38 shall not exceed the period for which directions given by the Central Government under sub-section (1) of section 35 were in force.

CHAPTER VI

Sealing of Patents

56. **Sealing of patents.**—(1) A request for the sealing of a patent under sub-section (1) of section 43 shall be made in Form 22.

(2) The period within which a request for the sealing of a patent may be made under clause (a) of the proviso to sub-section (2) of section 43 shall be two months after the final determination of the proceeding referred to in that clause.

(3) An application under sub-section (3) of section 43 shall be made in Form 23.

57. **Form of patent.**—A patent shall be in the form as specified in the Third Schedule with such modifications as the circumstances of each case may require and shall bear the number accorded to the application under rule 32.

58. **Amendment of patent under section 44.**—An application under section 44 for the amendment of a patent shall be made in Form 24 in duplicate and shall be accompanied by evidence verifying the statements made therein and by the patent.

59. **Manner of applying for directions under section 51(1).**—(1) An application for directions under sub-section (1) of section 51 shall be made in Form 25 in duplicate and shall be accompanied by a statement setting out the facts upon which the applicant relies.

(2) A copy of the application and of the statement shall be sent by the Controller to every other person registered as grantee or proprietor of the patent and the applicant shall supply sufficient number of copies for that purpose.

60. **Manner of application under section 51(2).**—(1) An application for directions under sub-section (2) of section 51 shall be made in Form 26 in duplicate and shall be accompanied by a statement setting out the facts upon which the applicant relies.

(2) A copy of the application and statement shall be sent by the Controller to the person in default.

61. **Procedure for the hearing of proceedings under section 51.**—The procedure specified in rules 35 to 45 relating to the filing of notice of opposition, written statement, reply statement, leaving evidence and hearing shall, so far as may be, apply to the hearing of an application under section 51 as they apply to the hearing of an opposition to the grant of patents.

62. **Manner of request under section 52(2).**—(1) A request under sub-section (2) of section 52 shall be made in Form 27 within three months from the date of the order of the court referred to in sub-section (1) of the said section and shall be accompanied by a statement setting out the facts upon which the petitioner relies and the relief he claims and a certified copy of the order of the court:

Provided that the time taken for obtaining a certified copy of the order shall be excluded in calculating the said period of three months.

(2) Where the court has ordered the grant of patent to the applicant only for a part of the invention, the new patent granted shall be accorded a number in the same series of numbers accorded to the complete specifications accepted on the same day as the patent is granted.

63. **Renewal fees.**—(1) If it is desired to keep a patent in force for the term of the patent, the renewal fees specified in the First Schedule shall be payable at the expiration of the second year from the date of the patent or of any succeeding year and the same shall be remitted to the Patent Office before the expiration of the second or the succeeding year.

(2) while paying the renewal fee, the number of the patent concerned and the year in respect of which the fee is paid shall be quoted.

(3) The annual renewal fees payable in respect of two or more years may be paid in advance.

(4) The Controller shall on crediting any renewal fees paid in respect of a patent, issue a certificate that the fee has been paid.

64. **Form of request under section 55(1).**—A request under the proviso to sub-section (1) of section 55 shall be made in Form 28.

CHAPTER VI

Amendment of applications and specifications

65. **Amendment of application or specification.**—(1) An application under section 57 for the amendment of an application for a patent or a complete specification shall be made in Form 29.

(2) If the application for amendment under sub-rule (1) relates to an application for a patent which has not been accepted, the Controller shall determine whether and subject to what conditions, if any, the amendment shall be allowed.

(3) (a) If the application for amendment under sub-rule (1) is made after the acceptance of the complete specification, the application for the amendment and the nature of the proposed amendment shall be advertised by the Controller in the Official Gazette and by the applicant in such other manner as the Controller may in each case direct. The Controller shall also notify all the persons who, in his opinion, may have an interest in the matter.

(b) Any person desirous of opposing the application for amendment shall give a notice of opposition in Form 30 in duplicate within three months from the date of advertisement of the application in the Official Gazette.

(c) The procedure specified in rules 36 to 45 relating to the filing of written statement, reply statement, leaving evidence and hearing shall, so far as may be, apply to the hearing of the opposition under section 57 as they apply to the hearing of the opposition to the grant of patents.

66. **Preparation of amended specifications, etc.**—Where the Controller allows the application for a patent or the complete specification to be amended, the applicant shall, if the Controller so requires and within the time to be specified by him, leave at the appropriate office an amended application or specification, as the case may be, in accordance with the provisions of these rules.

67. **Advertisement of the amendments allowed.**—The amendments allowed by the Controller after a complete specification has been accepted shall be advertised by him in the Official Gazette.

CHAPTER VIII

Restoration of Patents

68. **Restoration of patents.**—(1) An application for the restoration of a patent under section 60 shall be made in Form 31.

(2) Upon consideration of the application and the evidence adduced by the applicant, if any, if the Controller is satisfied that a prima facie case for the restoration of the patent has not been made out he shall intimate the applicant accordingly and unless within one month from the date of such intimation the applicant requests to be heard in the matter the Controller shall refuse the application.

(3) If the applicant requests for a hearing within the time allowed and the Controller after giving the applicant such a hearing, is prima facie satisfied that the failure to pay the renewal fees was unintentional, he shall advertise the application in the Official Gazette.

69. **Opposition to restoration.**—(1) At any time within two months from the date of advertisement of the application in the Official Gazette under sub-rule (3) of rule 68, any person may give notice of opposition thereto in Form 32 in duplicate.

(2) A copy of the notice of opposition shall be sent by the Controller to the applicant.

(3) The procedure specified in rules 36 to 45 relating to the filing of written statement, reply statement, leaving evidence and hearing shall, so far as may be, apply to the hearing of the opposition under section 60 as they apply to the hearing of the opposition to the grant of patents.

70. **Payment of unpaid renewal fees.**—(1) If the Controller decides in favour of the applicant, the applicant shall pay the unpaid renewal fees and the additional fee specified in the First Schedule, within a month from the date of the order of the Controller allowing the applicant for restoration.

(2) The Controller shall advertise in the Official Gazette his decision on the application.

CHAPTER IX

Surrender of Patents

71. **Surrender of patents.**—(1) A notice of an offer for the surrender of a patent by a patentee under section 63 shall be in Form 33.

(2) The Controller shall advertise the notice of an offer given under sub-rule (1) in the Official Gazette.

(3) Any person interested may within three months from the date of advertisement of the notice in the Official Gazette give notice of opposition to the Controller in Form 34 in duplicate.

(4) The procedure specified in rules 36 to 45 relating to the filing of written statement, reply statement, leaving evidence and hearing shall, so far as may be, apply to the hearing of the opposition under section 63 as they apply to the hearing of the opposition to the grant of patents.

(5) If the Controller accepts the patentee's offer to surrender the patent, he may direct the patentee to return the patent and on receipt of such patent, the Controller shall by order revoke it and notify the revocation of the patent in the Official Gazette.

CHAPTER X

Register of Patents

72. **Register of patents.**—(1) Upon the sealing of a patent, the Controller shall enter in the register of patents, the name, address and nationality of the grantee as the patentee thereof, the title of the invention (including the categories specified in section 5 to which the invention relates), the date of the patent and the date of sealing thereof together with the address of service of the patentee.

(2) The Controller shall also enter in the register of patents particulars regarding proceedings under the Act before the Controller or the courts in respect of every patent.

73. **Registration of documents under section 68.**—An application for the registration of a document under section 68 shall be made in Form 34.

74. **Registration of title and interest in patents.**—(1) An application referred to in sub-section (1) of section 69 shall be made—

(a) by a person becoming entitled to a patent or a share in it in Form 36;

(b) by a person becoming entitled as a mortgagee or a licensee or otherwise to any other interest in a patent in Form 37.

(2) An application referred to in sub-section (2) of section 69 shall be made—

(a) by the assignor in Form 38;

(b) by a mortgagor, licensor or other party in Form 39.

(3) An application for entry in the register of patents of the notification of any other document purporting to affect the proprietorship of the patent by the person benefitting under the document shall be made in Form 40.

75. **Presentation of assignment, etc. of patent to Controller.**—Every assignment and every other document giving effect to or being evidence of the transfer of a patent or affecting the proprietorship thereof or creating an interest therein as claimed in such application, shall, unless the Controller otherwise directs, be presented to him together with the application which shall be accompanied by two copies of the assignment or other document certified to be true copies by the applicant or his agent and the Controller may call for such other proof of title or written consent as he may require.

76. **Registration of title or interest in a patent.**—After the receipt of an application under sub-section (1) or sub-section (2) of section 69, the Controller shall register the title of the person concerned or his interest in a patent, as the case may be, and an entry in the following form shall be made in the register namely:—

"In pursuance of an application received on the registered as *Proprietor / licensee / Mortgagee etc.* by virtue of *Assignment / licence / mortgage deed etc.* dated and made between of the one part and of the other part.".

77. **Entry of renewal fee.**—Upon the issue of a certificate of the payment of the prescribed renewal fee in respect of a patent, the Controller shall enter in the register of patents the fact that the fee has been paid and the date of payment of such fee as stated in the certificate.

78. **Alteration of address.**—(1) A patentee may make a request in Form 41 to the Controller for the alteration of his name, nationality, address or address for service as entered in the register of patents in respect of any patent granted to him. The Controller may require such proof of the alteration as he may think fit before acting on a request to alter the name or nationality.

(2) If the Controller allows a request made under sub-rule (1), he shall cause the entries in the register to be altered accordingly.

(3) If a patentee makes a request in Form 42 for entering an additional address for service in India and if the Controller is satisfied that the request should be allowed, he shall have the additional address for service entered in the register subject to the condition that not more than two addresses for service shall be entered in the register at any one time.

79. **Inspection of register of patents and fees payable therefor.**—(1) The register of patents shall be kept at the head office of the patent office and shall be open for public inspection during office hours on payment of the fees specified therefor in the First Schedule.

(2) A copy of the register shall be available for inspection at each of the branch offices of the Patent Office on the same conditions as are applicable to, and on payment of the same fees as are payable for, the inspection of the register under sub-rule (1).

CHAPTER XI

Compulsory Licences Endorsement of patents with the words "Licences of Right" and Revocation.

80. **Application for compulsory licence etc.**—(1) An application to the Controller for an order under section 84, section 86, section 89, section 96 or section 97 shall be in Form 43, Form 44 or Form 45, as the case may be. Except in the case of an application made by the Central Government, the application shall set out the nature of the applicant's interest and the terms and conditions of the licence the applicant is willing to accept.

81. **When a prima facie case is not made out.**—(1) If, upon consideration of the evidence, the Controller is satisfied that a prima facie case has not been made out for the making of an order under any of the sections referred to in rule 80, he shall notify the applicant accordingly, and unless the applicant requests to be heard in the matter, within one month of the date of such notification, the Controller shall refuse the application.

(2) If the applicant requests for a hearing within the time allowed under sub-rule (1), the Controller shall, after giving the applicant an opportunity of being heard, determine whether the application may be proceeded with or whether it shall be refused.

82. **Notice of opposition under section 92(2).**—(1) A notice of opposition under sub-section (2) of section 92 shall be made given in Form 46 in duplicate and shall be sent to the Controller within two months from the date of the advertisement of the application under sub-section (1) of the said section.

(2) The notice of opposition referred to in sub-rule (1) shall include the terms and conditions of the licence, if any, the opponent is prepared to grant to the applicant and shall be accompanied by evidence in support of the opposition.

(3) The opponent shall serve a copy of his notice of opposition and evidence on the applicant and notify the Controller when such service has been effected.

(4) No further statement or evidence shall be delivered by either party except by leave of or on requisition by the Controller.

(5) The Controller shall thereafter appoint a date and time for the hearing of the case and shall give the parties not less than ten days notice of such hearing.

(6) The procedure specified in sub-rules (2) to (5) of rule 44, shall, so far as may be, apply to the procedure for hearing under this rule as they apply to the hearing of opposition to the grant of patents.

83. **Manner of application under section 88(2).**—(1) An application under sub-section (2) of section 83 for settling the terms of the licence shall be made in Form 47 in duplicate and shall be accompanied by a statement of negotiations made between the applicant and the other party and the terms and conditions of the licence the applicant is willing to accept.

(2) In the case of applications in respect of patents for inventions referred to in sub-clause (i), or sub-clause (ii), of clause (a) of sub-section (1) of section 87 and deemed to be endorsed with the words "Licences of Right", under clause (a) or clause (b) of that sub-section, a statement containing an estimate of the net ex-factory sale price in bulk of the patented article and all the information relevant thereto with evidence in support thereof shall also be filed along with the application.

(3) The Controller shall send one copy of the application, the statement, if any, referred to in sub-rule (2) and the evidence to the other party and direct him to file a statement containing the terms and conditions of the licence he is prepared to accept within one month from the date of sending the said copies and serve a copy of such statement, if any, on the applicant and communicate the date of such service on the applicant to the Controller.

(4) In the case of an application in respect of a patent referred to in sub-rule (2) the Controller may also direct the other party to furnish a similar statement in reply and evidence in support thereof, and to serve a copy of the statement on the applicant.

(5) The Controller shall give the parties an opportunity of being heard within one month from the date of service of the statement or statements and evidence.

(6) The procedure specified in sub-rules (2) to (5) of rule 44, shall, so far as may be, apply to the procedure for hearing under this rule as they apply to the hearing of opposition to the grant of a patent

(7) The Controller in determining the royalty and other remuneration reserved to the patentee shall consider the statements and may make such enquiries, as he may deem fit.

84. **Manner of applying under section 88(4).**—(1) An application under sub-section (4) of section 88 for permission to work the patented invention shall be in Form 48 in duplicate and shall contain the reasons for making the application and the terms under which he would work the patented invention pending agreement with the patentee or decision by the Controller. The applicant shall file evidence in support of the application, if the Controller so directs.

(2) The Controller shall forward a copy of the application and evidence, if any, to the patentee and direct him to file within such time not exceeding one month a statement containing the terms of the licence he is willing to grant or the terms under which the Controller may allow the applicant to work the patented inventions pending agreement with the applicant.

(3) The Controller after hearing the parties may direct them to execute a licence if they mutually agree on the terms and conditions of the same or permit the applicant to work the patented invention on such terms as he may think fit to impose.

85. **Manner of advertisement of the revocation order.**—The Controller shall advertise in the Official Gazette the order made by him under sub-section (3) of section 89 revoking a patent.

86. **Application under section 93(5).**—(1) An application under sub-section (5) of section 93 for the revision of the terms and conditions of a licence which have been settled by the Controller shall be in Form 49 in duplicate and shall state the facts relied upon by the applicant and the relief he seeks and shall be accompanied by evidence in support of the application.

(2) If the Controller is satisfied that a prima facie case has not been made out for the revision of the terms and conditions of the licence, he may notify the applicant accordingly and unless within a month the applicant requests to be heard in the matter the Controller may refuse the application.

(3) The Controller after giving the applicant an opportunity of being heard shall determine whether the application shall be proceeded with or whether the application shall be refused.

87. **Procedure to be followed in case of applications under section 93(5).**—(1) If the Controller allows the application to be proceeded with, he shall direct the applicant to serve copies of the application and of the evidence in support thereof upon the patentee or any other person apearing in the register to be interested in the patent or upon any other person on whom in his opinion such copies should be so served.

(2) The applicant shall inform the Controller the date on which the service of copies of application and of the evidence on the patentee and other persons referred to in sub-rule (1) has been effected.

(3) The patentee or any other person on whom copies of the application and of the evidence have been served, may give to the Controller notice of opposition in Form 46 in duplicate within two months from the date of such service. Such notice shall contain the grounds relied upon by the opponent and shall be accompanied by evidence in support of the opposition.

(4) The opponent shall serve copies of the notice of opposition and his evidence on the applicant and inform the Controller the date on which such service has been effected.

(5) No further evidence or statement shall be filed by either party without special leave of or on requisition by the Controller.

(6) On completion of the above proceedings or at such other time as he may deem fit, the Controller shall appoint a date and the time for the hearing of the case and shall give the parties not less than ten days' notice of such hearing.

(7) The procedure specified in sub-rules (2) to (5) of rule 44 shall, so far as may be, apply to the procedure for hearing under this rule as they apply to the hearing of opposition to the grant of a patent.

(8) If the Controller decides to revise the terms and conditions of licence he shall amend the licence granted to the applicant in such manner as he may deem necessary.

CHAPTER XII

Scientific Advisers

88. **Roll of Scientific Advisers.**—(1) The Controller shall maintain a roll of scientific advisers for the purpose of section 115. The roll shall contain the names and addresses of scientific advisers, their designations, information regarding their educational qualifications, the disciplines of their specialisation and their technical, practical and research experience.

(2) A person shall be qualified to have his name entered in the roll of scientific advisers if he fulfils the following conditions, namely:—

(i) he holds a degree in science, engineering or technology;

(ii) he has at least 15 years' practical or research experience; and

(iii) he holds or has held a responsible post in a scientific or technical department of the Central or State Government or in any organisation.

89. **Manner of application for inclusion in the roll of scientific advisers.**—Any interested person may apply to the Controller for inclusion of his name in the roll of scientific advisers furnishing his bio-data.

90. **Inclusion of the name of any other person in the rol of Scientific Advisers.**—The Controller may, notwithstanding anything contained in rules 88 and 89, enter the name of any person in the roll of Scientific Advisers, if the Controller is of opinion after such inquiry as he deems fit, that such person should be entered in the roll of Scientific Advisers.

91. **Power to relax.**—Where the Controller is of the opinion that it is necessary or expedient so to do, he may, by order, for reasons to be recorded in writing, relax any of the qualifications specified in sub-rule (2) of rule 87 with respect to any person, if such person is otherwise well qualified.

92. **Removal of names from the roll of scientific advisers.**—The Controller may remove the name of any person from the roll of scientific advisers,—

(a) if such person makes a request for such removal; or

(b) if the Controller is satisfied that his name has been entered in the roll by error or on account of misrepresentation or suppression of any material fact; or

(c) if he has been convicted of an offence and sentenced to a term of imprisonment or has been guilty of misconduct in his professional capacity and the Controller is of the opinion that his name should be removed from the roll.

CHAPTER XIII

Patent Agents

93. **Particulars to be contained in the register of patent agents.**—The register of patent agents maintained under section 125 shall contain the name, nationality, address of the principal place of business, addresses of branch offices, if any, the qualifications and the date of registration of every registered patent agent.

94. **Application for registration of patent agents.**—(1) Every person desiring to be registered as a patent agent shall make an application in Form 50 in duplicate, which shall be filed at the head office of the Patent Office.

(2) The applicant shall furnish such other information as may be required by the Controller.

95. **Particulars of the qualifying examination for patent agents.**—(1) The qualifying examination referred to in clause (ii) of sub-section (1) of section 126 shall consist of a written test and a *viva voce* examination.

(2) The written test shall consist of the following papers, namely:—

Subject	Maximum Marks
Paper I—Patents Act and rules	100
Paper II—Drafting and interpretation of patent specifications and other documents.	100

(3 The qualifying marks for each written paper and for the *viva voce* examination, shall be 40 per cent and 60 per cent, respectively, and a candidate shall be declared to have passed the examination only if he obtains an aggregate of 50 per cent of the total marks.

96. **Registration of patent agents.**—After a candidate passes the qualifying examination specified in rule 95 and after obtaining any further information which the Controller considers necessary he shall, on receipt of the fee specified therefor in the First Schedule, enter the candidate's name in the register of patent agents and issue to him a certificate of registration as a patent agent.

97. **Details to be included in an application for the registration of a patent agent.**—An application by a person entitled to be registered as a patent agent under sub-section (2) of section 126 shall be made in Form 50 in duplicate and shall be accompanied by a statement giving information regarding his practice as patent agent before the 1st November, 1966 and a list of applications in respect of which he has filed complete specifications before the said date.

98. **Registration of patent agents under section 126(2).**—On receipt of an application for the registration of a person as a patent agent under rule 97, the

Controller may if he is satisfied that the said person fulfils the conditions specified in sub-section (2) of section 126 enter his name in the register of patent agents.

99. **Disqualifications for registration as a patent agent.**—A person shall not be eligible to be registered as a patent agent, if he—

(i) has been adjudged by a competent court to be of unsound mind;

(ii) is an undischarged insolvent;

(iii) being a discharged insolvent, has not obtained from the court a certificate to the effect that his insolvency was caused by misfortune without any misconduct on his part;

(iv) has been convicted by a competent court, whether within or outside India of an offence to undergo a term of imprisonment, unless the offence of which he has been convicted has been pardoned or unless on an application made by him, the Central Government has, by order in this behalf, removed the disability;

(v) being a legal practitioner has been guilty of professional misconduct; or

(vi) being a chartered accountant, has been guilty of negligence or misconduct.

100. **Payment of fees.**—The continuance of a person's name in the register of patent agents shall be subject to the payment of the fees specified therefor in the First Schedule.

101. **Deletion of a name from the register of patent agents.**—(1) The Controller may delete from the register of patent agents the name of any patent agent—

(a) from whom a request has been received to that effect; or

(b) when he is dead; or

(c) when the Central Government has removed the name of a person under sub-section (1) of section 130, or

(d) if he has defaulted in the payment of fees specified in Rule 100, by more than three months after they are due.

(2) The deletion of the name of any person from the register of patent agents shall be notified in the Official Gazette and shall be communicated to the person concerned.

102. **Restoration of names of persons removed from the register of patent agents.**—(1) An application for the restoration of the name of any person removed from the register of patent agents under sub-section (2) of section 130 shall be made in Form 51 in triplicate within six months from the date of such removal.

(2) If the name of a person is restored to the register of patent agents, his name shall be continued therein for a period of one year from the date on which his last annual fee became due.

(3) The restoration of a name to the register of patent agents shall be notified by the Controller in the Official Gazette and communicated to the person concerned.

103. **Alteration of names etc. in the register of patent agents.**—(1) A patent agent may apply in Form 52 in triplicate for the alteration of his name, address of the principal place of business and branch offices, if any, or the qualifications entered in the register of patent agents. On receipt of such application and the fee specified therefor in the First Schedule, the Controller shall cause the necessary alterations to be made in the register of patent agents.

(2) Every alteration made in the register of patent agents shall be notified in the Official Gazette.

104. **Refusal to recognise as patent agent.**—If the Controller is of the opinion that any person should not be recognised as a patent agent in respect of any business under the Act as provided in sub-section (1) of section 131 thereof he shall communicate his reasons to that person and direct him to show cause why he should not refuse to recognise him as such agent, within such time as he may allow, and after considering the reply, if any, of that person and giving him an opportunity of being heard, the Controller may pass such orders as he may deem fit.

105. **Publication of the names of patent agents, registered under the Act.**—The names and addresses of persons registered as patent agents shall from time to time be published in the Official Gazette, newspapers, trade journals and in such other manner as the Controller may deem fit.

CHAPTER XIV

Miscellaneous

106. **Address of all communications.**—All communications in relation to any proceeding under the Act or these rules shall be addressed to the Controller of Patents at the appropriate office.

107. **Correction of clerical errors.**—A request for the correction of a clerical error in any document referred to in section 78 shall be made in Form 53 in duplicate and shall be accompanied by two copies of the document indicating the corrections required clearly in red ink along with the fees payable therefor as specified in the First Schedule.

108. **Manner of advertisement of the proposed correction of any error.**—Where the Controller requires a notice of the nature of the proposed correction to be advertised, the request and the nature of the proposed correction shall be published in the Official Gazette and the person making the request shall also serve copies of the request and the copies of the document showing the proposed corrections to such persons who, in the opinion of the Controller, may be interested.

109. **Manner and time of opposition to the making of corrections.**—(1) Any person interested may, at any time, within three months from the date of the advertisement of the request for correction in the Official Gazette give notice of opposition to the Controller in Form 54 in duplicate.

(2) Such notice of opposition shall be accompanied by a statement in duplicate setting out the nature of the opponent's interest, the facts on which he relies and the relief which he seeks.

(3) A copy of the notice and of the statement shall be sent by the Controller to the person making the request.

(4) The procedure specified in rules 37 to 45 relating to the filing of reply statement, leaving evidence and hearing shall, so far as may be, apply to the hearing of the opposition under section 78 as they apply to the hearing of the opposition to the grant of patents.

110. **Notification of corrections.**—The Controller shall notify the person making a request for the correction and the opponent, if any, of the corrections made in the relevant document.

111. **Form, etc. of affidavits.** (1) The affidavits required by the Act or these rules to be filed at the Patent Office or furnished to the Controller shall be headed in the matter or matters to which they relate, shall be drawn up in the first person, shall be divided into paragraphs consecutively numbered, and each paragraph shall as far as practicable, be confined to one subject. Every affidavit shall contain the description and place of residence of the person making the affidavit and shall bear the name and address of the person making it and, if the affidavit is made on behalf of any other person, it shall state the name of that person on whose behalf it is made.

(2) Where two or more persons join in an affidavit, each of them shall depose separately to such facts which are within his personal knowledge and those facts shall be stated in separate paragraphs.

(3) Affidavits shall be confined to such facts as the deponent is able of his own knowledge to prove except in interlocutory matters, where statements of belief of the deponent may be admitted, provided that the grounds thereof are given.

(4) Affidavits shall be sworn to as follows:—

(a) In India—before any court or person having by law authority to receive evidence, or before any officer empowered by such court as aforesaid to administer oaths or to take affidavits;

(b) in any country or place outside India—before a diplomatic or consular officer, within the meaning of the Diplomatic and Consular Officers

(Oaths and Fees) Act, 1948 (41 of 1948) in such country or place or before a notary of the country or place, recognised by the Central Government under section 14 of the Notaries Act, 1952 (53 of 1952), or before a judge or magistrate of the country or place.

(5) The person before whom an affidavit is sworn to shall state the date on which and the place where the same is sworn to and shall affix thereto his seal, if any, or the seal of the court if the affidavit is sworn to before the court or an officer empowered by that court and sign his name and state his designation and address at the end thereof.

(6) Any affidavit purporting to have affixed, impressed or subscribed thereto or thereon the seal or signature of any person authorised under sub-rule (4), in testimony of the affidavit having been sworn to before him, may be admitted by the Controller without proof of the genuineness of the seal or signature, or of the official position of that person.

(7) Alterations and interlineations shall, before an affidavit is sworn to or affirmed, be authenticated by the initials of the person before whom the affidavit is sworn to.

(8) Where the deponent is illiterate, blind or unacquainted with the language in which the affidavit is written, a certificate by the person before whom the affidavit is sworn to, to the effect that the affidavit was read, translated or explained in his presence to the deponent, and that the deponent seemed perfectly to understand it and has signed the affidavit or affixed his mark in his presence, shall be attached at the end of the affidavit.

(9) Every affidavit filed before the Controller in connection with any proceedings under the Act or these rules shall be duly stamped under the provisions of any law for the time being in force.

112. **Exhibits.**—Where there are exhibits to be filed in an opposition or any other proceedings a copy or impression of each exhibit shall be supplied to the other party at his request and expense; if copies or impressions of the exhibits cannot conveniently be furnished, the originals shall be left with the Controller for inspection by the person interested by prior appointment. The exhibits in original if not already left with the Controller shall be produced at the hearing.

113. **Directions not otherwise prescribed.**—(1) Where for the proper prosecution or completion of any proceedings under the Act or these rules, the Controller is of opinion that it is necessary for a party to such proceedings to perform an act, file a document or produce evidence, for which provision has not been made in the Act or these rules, he may, by notice in writing, require such party to perform the act, file the document or produce the evidence specified in such notice.

(2) Where an applicant or party to a proceeding desires to be heard or not, the Controller may, at any time, require him to submit his statement in writing giving such information as the Controller may deem necessary within the time specified by him.

114. **Exercise of discretionary power by the Controller.**—Before exercising any discretionary power under the Act or these rules adversely to an applicant for a patent or a party to a proceeding the Controller shall give such applicant or party, a hearing, after giving him at least ten days notice of such hearing.

115. **Application for review of decisions or setting aside of orders of the Controller.**—(1) An application to the Controller for the review of his decision under clause (f) of sub-section (1) of section 77 shall be made in Form 55 in duplicate within one month from the date of communication of such decision to the applicant or within such further period not exceeding one month thereafter as the Controller may on a request made in Form 57 allow and shall be accompanied by a statement setting forth the grounds on which the review is sought. Where the decision in question concerns any other person in addition to the applicant, the said application and statement shall be left in triplicate. The Controller shall, forthwith transmit a copy of each of the application and the statement to the other person concerned.

(2) An application to the Controller for setting aside an order passed by him *ex parte* under clause (g) of sub-section (1) of section 77 shall be made in Form 56 in duplicate within one month from the date of communication of such order

to the applicant or within such further period not exceeding one month as the Controller may on a request made in Form 57 allow and shall be accompanied by a statement setting forth the grounds on which the application is based. Where the order concerns any other person in addition to the applicant, the application and the statement shall be left in triplicate. The Controller shall, forthwith transmit a copy each of the application and the statement to the other person concerned.

116. **Manner of payment of compensation.**—(1) The compensation in respect of acquisition of an invention or patent by the Central Government under section 102 of the Act shall be payable by that Government in a lumpsum, if the amount of compensation does not exceed Rs. 10,000 and if such amount exceeds Rs. 10,000, the amount over and above the said amount of Rs. 10,000 shall be payable in five equal annual instalments.

(2) If the compensation payable in a lumpsum or any of the instalments thereof referred to in sub-rule (1) is not paid within thirty days of the date on which the amount of instalment is due, if any, the Central Government shall be liable to pay simple interest at the rate of 9 per cent per annum reckoned from the day immediately following the date of expiry if the said period of thirty days.

117. **Form and manner in which statements required under section 146(2) to be furnished.**—(1) The statements which shall be furnished by every patentee and every licensee under sub-section (2) of section 146 shall be in Form 58 duly verified by the patentee or the licensee or his authorised agent.

(2) Th statements referred to in sub-rule (1) shall be furnished in respect of every calendar year within three months of the end of each year.

(3) The Controller may publish the information received by him under sub-section (1) or sub-section (2) of section 146 in the Official Gazette and such newspapers and trade journals as he may deem fit.

118. **Form of application for the issue of a duplicate patent.**—An application for the issue of a duplicate patent under section 154 shall be in Form 59 and shall contain a statement setting out the circumstances in which the patent was lost or destroyed or cannot be produced together with the fees as specified therefor in the First Schedule.

119. **Supply of certified copies and certificates.**—Certified copies of any entry in the register, or certificates of, or extracts from patents, specifications and other public documents in the patent office, or from registers and other records kept there, may be furnished by the Controller on a request therefor made to him in Form 60 and on payment of the fee specified therefor in the First Schedule.

120. **Request for information under section 153.**—(1) A request for information in respect of the following matters relating to any patent or application for a patent shall be made in Form 61:—

(a) as to when a complete specification following a provisional specification has been filed or an application for patent has been deemed to have been abandoned;

(b) as to when a complete specification has been accepted or when an application for patent has been refused;

(c) as to when a patent has been sealed, or when the time for requesting sealing has expired;

(d) as to when a renewal fee has been paid;

(e) as to when the term of a patent has expired or shall expire;

(f) as to when an entry has been made in the register or application has been made for the making of such entry; or

(g) as to when any application is made or action taken involving an entry in the register or advertisement in the Official Gazette, if the nature of the application or action is specified in the request.

(2) Separate request shall be made in respect of each item of information required.

(3) The fees payable on a request to be made under section 153 shall be as set out in the First Schedule.

121. **Agency.**—(1) The authorisation of an agent for the purposes of the Act and these rules shall be in Form 61 or in the form of a power of attorney.

(2) Where any authorisation has been made under sub-rule (1) service upon the agent of any document relating to any proceeding or matter under the Act or these rules shall be deemed to be service upon the person so authorising him; all communications directed to be made to a person in respect of any proceeding or matter may be addressed to such agent, and all appearances before the Controller relating thereto may be made by or through such agent.

(3) Notwithstanding anything contained in sub-rules (1) and (2), the Controller may, if it is considered necessary, require the personal signature or presence of an applicant, opponent or party to such proceeding or matter.

122. **Scale of costs.**—In all proceedings before the Controller, he may, subject to rule 46, award costs as he considers reasonable, having regard to all the circumstances of the case:

Provided that the amount of costs awarded in respect of any matters set forth in the Fourth Schedule shall not exceed the amount specified therein.

123. **Powers of Controller generally.**—Any document for the amendment of which no special provision is made in the Act may be amended and any irregularity in procedure which in the opinion of the Controller may be obviated without detriment to the interests of any person, may be corrected if the Controller thinks fit and upon such terms as he may direct.

124. **Power to extend the time prescribed.**—The time prescribed by these rules for the doing of any act or the taking of any proceeding thereunder may be extended by the Controller, if he thinks fit and upon such terms as he may direct.

125. **Hearing before the Controller to be in public in certain cases.**—Where the hearing before the Controller of any dispute between two or more parties relating to an application for a patent or to any matter in connection with a patent takes place after the date of the publication of the complete specification, the hearing of the dispute shall be in public unless the Controller, after consultation with the parties to the dispute who appear in person or are represented at the hearing, otherwise directs.

126. **Repeal and amendment of the Indian Patents and Designs Rules, 1933.**—The Indian Patents and Designs Rules, 1933, in so far as they relate to patents are hereby repealed, that is to say, the said rules shall stand amended in the manner specified in the Fifth Schedule.

THE FIRST SCHEDULE

(*See* rule 7)

Fees

Number of entry	On what payable	Number of form	Proper fee
			Rs. p.
1	On application for a patent under section 7 or 54 accompanied by provisional specification	1,1A,1B, 1AB	20·00
2	On application for a patent under section 7, 54 or 135 accompanied by complete specification . . .	1, 1A, 1B, 1AB, 2, 2A 2B, 2AB	50·00
3	On filing complete specification after provisional specification	3A	30·00
4	On filing a statement and unertaking under section 8	4	No fee
5	On request for extension of time under section 9 (1), 21(2) or 53(3)	5	25·00 (per month).
6	On filing a declaration as to inventorship	6	No fee
7	On application for extension of time under rule 14 (5) or 24	7	25·00 (per month)

Number of entry	On what payable	Number of form	Proper fee
			Rs. p.
8	On application for post-dating	8	30·00
9	On application for deletion of reference under section 19(2)	9	25·00
10	On claim under section 20(1) to proceed as an applicant or joint applicant	10	25·00
11	On request for directions under section 20(4) in the event of death of a joint applicant	11	25·00
12	On application for directions under section 20(5) to proceed with an application for a patent in the case of dispute between joint applicants	12	25·00
13	On request for postponement of acceptance of complete specification under section 22	13	30·00
14	On application for extension of time under section 25 (1) or section 28(4)	14	25·00
15	On notice of opposition to the grant of a patent	15	50·00
16	On giving notice that hearing before Controller will be attended	16	50·00
17	On application for extension of time under rule 48	17	25·00 (per month)
18	On request under section 28(2)	18	25·00
19	On claim under section 28(3)	19	25·00
20	On application under section 28(7)	20	25·00
21	On application for permission for applying for patents outside India (section 39)	21	5·00
22	On a request for the sealing of a patent under section 43	22	60·00
23	On application under section 43(3) for an extension of the period for making a request for the sealing of a patent	23	25·00 (per month)
24	On application under section 44 for amendment of patent	24	50·00
25	On application for directions under section 51(1)	25	25·00
26	On application for directions under section 51(2)	26	25·00
27	On request for grant of a patent under section 52 (2)	27	50·00
28	On request for converting a patent of addition to an independent patent under the proviso to sub-section 55(1)	28	25·00
29	For renewal of a patent—		
	A. Under Section 53, of patents granted under the Act.—		
	Before the expiration of the 2nd year from the date of patent and in respect of the 3rd year		50·00
	Before the expiration of the 3rd year in respect of the 4th year		100·00
	Before the expiration of the 4th year in respect of the 5th year		200·00
	Before the expiration of the 5th year in respect of the 6h year		250·00
	Before the expiration of the 6th year in respect of the 7th year		300·00
	Before the expiration of the 7th year in respect of the 8th year		350·00
	Before the expiration of the 8th year in respect of the 9th year		400·00
	Before the expiration of the 9th year in respect of the 10th year		450·00
	Before the expiration of the 10th year in respect of the 11th year		500·00
	Before the expiration of the 11th year in respect of the 12th year		550·00
	Before the expiration of the 12th year in respect of the 13th year]		600·00

Number of entry	On what payable	Number of form	Proper fee
			Rs. p.
	Before the expiration of the 13th year in respect of the 14th year		700·00
	B. Under section 162(2) (b), of patents granted under the Indian Patents and Designs Act, 1911 (No. 2 of 1911)		
	Before the expiration of the 4th year in respect of the 5th year		50·00
	Before the expiration of the 5th year in respect of the 6th year		50·00
	Before the expiration of the 6th year in respect of the 7th year		50·00
	Before the expiration of the 7th year in rspect of the 8th year		50·00
	Before the expiration of the 8th year in respect of the 9th year		100·00
	Before the expiration of the 9th year in respect of the 10th year		100·00
	Before the expiration of the 10th year in respect of the 11th year		100·00
	Before the expiration of the 11th year in respect of the 12th year		100·00
	Before the expiration of the 12th year in respect of the 13th year		150·00
	Before the expiration of the 13th year in respect of the 14th year		150·00
	Befor the expiration of the 14th year in respect of the 15th year		150·00
	Before the expiration of the 15th year in respect of the 16th year		150·00
	NOTE.—The fees for two or more years may be paid in advance		
30	On application for amendment of application for patent/ complete specification under secton 57	29	
	Before acceptance		30.00
	After acceptance		60·00
	Aftetr sealing		100·00
31	On notice of opposition to an application for amendment under section 57	30	50·00
32	On application for restoration of a patent under section 60	31	50·00
33	On notice of opposition to an application for restoration of patent under section 60	32	50·00
34	Additional fee on restoration		150·00
35	On notice of offer to surrender a patent under section 63	33	50·00
36	On notice of opposition to offer to surrender a patent under section 63	34	50·00
37	Application for registration of a document in the register of patents under setion 68	35	
	In respect of one patent		25·00
	For each additional patent		10·00
38	On Application for the entry of the name of a person entitled to a patent or a share in it in the register of patent under section 69(1)	36	
	In respect of one patent		25·00
	For each additional patent		10·00

Number of entry	On what payable	Number of form	Proper fee
			Rs. p.
39	On application for entry of the name of a person entitled as a mortgagee or licensee or otherwise in the register of patents under section 69(1)	37	
	In respect of one patent		25·00
	For each additional patent		10·00
40	On application for the assignor for the entry of the name of the person entitled to a patent or a share in it in the register of patents under section 69(2)	38	
	In respect of one patent		25·00
	For each additional patent		10·00
41	On application by the mortgagor or licensor or other person for the entry of the name of the person entitled to an interest in a patent by virtue of mortgage or licence or otherwise under section 69(2)	39	
	In respect of one patent		25·00
	For each additional parent		10·00
42	On application for entry in the register of patents of the notification of any other document purporting to affect the proprietorship of the patent [rule 74(3)]	40	
	In respect of one patent		25·00
	For each additional patent		10·00
43	On request for alteration of name etc. in the register of patents under rule 78(1)	41	5·00
44	On request for entry of an additional address for service in register of patents under rule 78(3)	42	10·00
45	On application for compulsory licence under sections 84(1) 96(1) or 97(1)	43	60·00
46	On application by Central Government for endorsement of patents under section 86(1)	44	60·00
47	On application for revocation of a patent under section 89(1)	45	60·00
48	On notice of opposition to application under section 92(2) or section 93(5)	46	50·00
49	On application for settlement of terms of licence under section 88(2)	47	25·00
50	On permission for working a patented invention under section 88(4)	48	25·00
51	On application for revision of terms and conditions of licence under section 93(5)	49	60·00
52	On application for registration as a patent agent under rules 94 and 97	50	50·00
53	For registration of a person as a patent agent under rules 94 and 97	..	50·00
54	For continuance of the name of a person in the register of patent agents:—		
	(*a*) For the first year to be paid along with the fee for registration:—		
	(*i*) in the case of a person registered at any time between 1st April and the 30th September		30·00
	(*ii*) in the case of a person registered at any time between the 1st October and the 31st March, following		15·00
	(*b*) For every year (excluding the first year) to be paid on the 1st April in each year		30·00
55	On application for the registration of the name of a person to the register of patent agents (rule 102)	51	50·00 (plus continuance fee under entry No. 54)

Number of entry	On what payable	Number of form	Proper fee
			Rs. p.
56	On application for alteration of an entry in the register of patent agents (rule 103)	52	10·00
57	On a request for correction of clerical errors under section 78(1)	53	15·00
58	On notice of opposition to a request for the correction of a clerical error under section 78(5)	54	15·00
59	On application for review of the decision of the Controller under section 77(1)(f)	55	30·00
60	On application for setting aside the order of the Controller under section 77(1)(g)	56	30·00
61	On request for extension of time under rule 115	57	25·00
62	On statement regarding working of a patented invention on a commercial scale in India under section 146(2)	58	No fee
63	On application for duplicate patent under section 154	59	50·00
64	On request for certified copies under section 72 and for certificates under section 147	60	25·00
65	For supply of typed of documents (for every 100 words or part thereof)		(·25 p. subject to a minimum of Rs 3/-)
66	For supply of photo copies of documents		
	(i) For direct negative— per page of full size 33·0 cmX20·5 cm or 13″X8″		4·00
	(ii) For positive copy.— per page of full size 33·0 cm.X20·5 cm. or 13″X8″		7·00
67	For certifying office copies, MSS or printed, each		5·00
68	On request for inspection of register under Section 72		5·00
69	On request for information under section 153	61	10·00
70	On form of authorisation of patent agent or other persons	62	No fee
71	On a petition not otherwise provided for, for extension of time or for obtaining an order of the Controller on an inter-locatory matter in contested proceedings		25·00

THE SECOND SCHEDULE

FORMS

List of Forms

Form No.	Sections or Rules	Title
1	Section 7	Application for patent when the true and first inventor is the sole or a joint applicant.
1A	Section 7	Application for patent by assignee or legal representative of the true and first inventor.
1B	Sections 7 and 54	Application for patent of addition when the true and first inventor is the sole or a joint applicant.
1AB	Sections 7 and 54	Application for patent of addition by assignee or legal representative of true and first inventor.
2	Sections 7 and 135	Conention application for patent by applicant in a convention country.

Form No.	Sections or Rules	Title
2A	Sections 7 and 135	Convention application for patent by assignee or legal representative of applicant in a convention country.
2B.	Sections 7,54 and 135	Convention application for patent of addition by applicant in a convention country.
2AB	Sections 7,54 and 135	Convention application for patent of addition by assignee or legal representative of applicant in a convention country.
3	Section 10	Provisional specification.
3A	Section 10	Complete specification.
4	Section 8	Statement and undertaking.
5	Section 9(1) 21(2) or 53(3)	Application for extension of time.
6	Section 10(6)	Declaration as to inventorship.
7	Rules 14(5) and 24	Application for extension of time.
8	Section 17(1)	Request for post-dating of application.
9	Section 19(2)	Application for deletion of reference.
10	Section 20(1)	Claim to proceed as an applicant or joint applicant.
11	Section 20(4)	Request for directions as to proceed with an application for patent in the event of the death of a joint applicant.
12	Section 20(5)	Application for directons as to proceed with an application for patent in case of dispute etween joint applicatants.
13	Section 22	Application for postponement of acceptance of complete specification.
14	Section 25(1) or 28(4)	Application for extension of time for filing notice of opposition or a request or claim for the mention of inventor in a patent.
15	Section 25	Notice of opposition to grant of patent.
16	Rule 44	Notice that hearing will be attended.
17	Rule 48	Application for extension of time.
18	Section 28(2)	Request for mention of inventor in patent by applicant for patent.
19	Section 28(3)	Claim by any person to mention him as inventor in a patent.
20	Section 29(7)	Application for certificate that a person ought not to have been mentioned as inventor.
21	Section 39	Application for permission for applying patents outside India.
22	Section 43	Request for sealing a patent.
23	Section 43(3)	Application for extension of time for making a request for sealing a patent.
24	Section 44	Application for amendment of patent.
25	Section 51(1)	Application for directions to co-owners.
26	Section 51(2)	Application for directions to co-owners in the event of the failure of grantee or proprietor of a patent to execute instrument for carrying out Controller's directions.
27	Section 52(2)	Request for grant of patent to petitoner for revocation of patent.
28	Section 55(2) (Proviso)	Request for converting patent of addition to an independent patent.
29	Section 57	Application for amendment of the application for patent or complete specification.
30	Section 57	Notice of opposition to application for amendment.
31	Section 60	Application for restoration of a patent.
32	Section 60	Notice of opposition to application for restoration.
33	Section 63	Notice of offer to surrender a patent.
34	Section 63	Notice of opposition to offer to surrender a patent.
35	Section 68	Application for registration of a document in the register of patents.
36	Sectjn 69(1)	Application for entry of the name of a person entitled to a patent or a share in it in the tegister of patents.
37	Section 69(1)	Application for entry of the name of a person entitled as a mortgagee or licensee or otherwise in the register of patents.

Form No.	Section or Rule.	Title.
38	Section 69(2) . . .	Application by the assignor for the entry of the name of th person entitled to a patent or a share in it in the register of patents.
39	Section 69(2) .	Application by the mortgagor or licensor or other person for the entry of the name of the person entitled to an interest in a patent by virtue of mortgage or licence or otherwise.
40	Section 69. . . .	Application for entry of notification of a document in the register of patents.
41	Rule 78(1). . . .	Request for alteration of name, nationality, address or address for service in the register of patents.
42	Rule 78(3). . . .	Request for the entry of an additional address for service in the register of Patents.
43	Section 84(1), 96(1),or 97(1). . . .	Application for compulsory licence
44	Section 86(1). . . .	Application by Central Government for endorsement of patents.
45	Section 89(1). . .	Application for revocation of a patent.
46	Section 92(2)and Rule 95(3). . . .	Notice of opposition to an application under section 92(2) and 93 (5).
47	Section 88(2). . . .	Application for settlement of terms of licence.
48	Section 88(4). . . .	Permission for working a patented invention.
49	Section 93(5). . . .	Application for revision of terms and conditions of licence under sedction 93(5).
50	Rules 94 and 97. . .	Application for registration as a patent agent.
51	Rule 102. . . .	Application for restoration of the name of a person to register of patent agents.
52	Rule 103. . . .	Application for alteration of an entry in the register of patent agents.
53	Section 78(1). . . .	Request for correction of clerical errors.
54	Section 78(5) . . .	Notice of opposition to a request for the correction of clerical errors.
55	Rule 115(1). . . .	Appliction for review of Controller's decision.
56	Rule 115(2) . . .	Application for setting aside Controller's order.
57	Rule 115(1) and (2). . .	Request for extension of time.
58	Rule 117.	Statement regarding the working of the patented in vention on a commercial scale in India, under section 146(2).
59	Rule 118. . . .	Application for duplicate patent under section 154.
60	Rule 119. . . .	Request for certified copies of entries in register of patents under section 72 and for a crtificate under section 147.
61	Rule 120. . . .	Request for information as to matter affecting a patent or an application for a patent under section 153.
62	Rule 121. . . .	Form of authorisation of a patent agent/or any person in a matter or proceeding under the Act (section 127/132).

FORM 1

THE PATENTS ACT, 1970.

Fee. Sec. Note below. APPLICATION FOR PATENT WHEN THE TRUE AND FIRST INVENTOR IS THE SOLE OR JOINT APPLICANT.

[See Section 7]

(To be made in triplicate and shall be accompanied by three copies of the provisional specification in Form 3, or the complete specification in Form 3A).

1. Insert (in full) name, address and nationality of applicant or applicants.

I/We 1
.....
.....
.....
here by declar :-

2. Insert title of invention.

(i) that I am/we are in possession of an invention for 2.....
.....
.....

3. State who is the inventor.

4. Strike out the brackets and words "(and the complete specification)" is a complete specification accompanies this form.

(ii) that I/we/ the said [3].....claim(s) to be the true and first inventor(s) thereof,

(iii) that the provisional/complete specification filed with this application is [4] (and the complete specification) and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates;

(iv) that I/we believe that I am/we are entitled to a patent for the said invention having regard to the provisions of the Patents Act 1970;

(v) that to the best of my/our knowledge, information and belief the facts and matters stated herein are correct and that there is no lawful ground of objection to the grant of patent to me/us on this application.

I/We request that a patent may be granted to me/us for the said invention.

I/We request that all notices, requisitions and communications relating to this application may be sent to.....
.....
.....
at

5. To be signed by applicant or applicants or if the applicant(s) is/ are absent from India, by an authorised patent agent.

Dated this.....Day of 19 .
(Signature)[5].....

To,
The Controller of Patents,
The Patent Office.

NOTE.—Fee—

(a) Rs. 20·00 if a provisional specification accompanies this Form.
(b) Rs. 50·00 if a complete specification accompanies this Form.

Strike out which ever is inapplicable.

FORM 1A

THE PATENTS ACT, 1970

Fee. See Note below.

APPLICATION FOR PATENT BY THE ASSIGNEE OR LEGAL REPRESENTATIVE OF THE TRUE AND FIRST INVENTOR.

(See section 7)

(To be made in triplicate and shall be accompanied by three copies of the provisional specification in Form 3, or the complete specification in Form 3A)

1. Insert (in full) name, address and nationality of applicant or applicants.

I/We[1]
.....
.....
.....
.....
.....
hereby declare :—

2. Insert title of invention.

(i) that I am/ we are in possession of an invention for [2].....
.....
.....

3. Insert (in full) name, address and nationality of inventor.

(ii) that I/We/the said claim (s) to be the assignee(s) of or the legal representative (s) of [3]
.....
.....
..... who claim(s) and is/are believed to be the true and first inventor(s) thereof;

4. Strike out the brackets and words "(and the complete specification)" if a complete specification accompanies this form.

(iii) that the provisional complete specification filed with this application is [4](and the complete specification) and any amended specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates;

(iv) that I/We believe that I am/we are entitled to a patent for the said invention having regard to the provisions of the Patents Act, 1970;

(v) that to the best of my/our knowledge, information and belief the facts and matters stated here in are correct and that there is no lawful ground of objection to the grant of patent to me/us on this application.

I/We request that a patent may be granted to me/us for the said invention.

5. To be signed by applicant or applicants or if the applicant(s) is/are absent from India, by an authorised patent agent.

I/We request that all notices, requisitions and comunications relating to this application may be sent to
.....
at
Dated this.....day of..... 19 .
(Signature)s

To,
The Controller of Patents,
The Patents Office.

NOTE.—Fee—

(a) Rs. 20·00 if a provisional specification accompanied this Form.
(b) Rs. 50·00 if a complete specification accompanies this Form.
Strike out which ever is inapplicable.

FORM 1A (Reverse)

ENDORSEMENT BY THE TRUE AND FIRST INVENTOR

1. Insert (in full) name, address and nationality.

I/We1
.....
.....
.....
referred to on the reverse of this application as claiming to be the true and first inventor(s) hereby declare that the applicant(s) who has/have signed this application on the reverse is/are my/our assignee (s).

2. To be signed by the true and first inventor(s).

Dated this day of 19 .
(Signature)s.....

Signatures of two witnesses along with their names and addresses :

1
.....

2
.....

FORM 1B

THE PATENTS ACT, 1970

Fee See Note below.

APPLICATION FOR PATENT OF ADDITION WHEN THE TRUE AND FIRST INVENTOR IS THE SOLE OR JOINT APPLICANT.

[See section 54]

(To be made in triplicate and shall be accompanied by three copies of the provisional specification in Form3, or the complete specification in Form 3A.)

1. Insert (in full) name, address and nationality of applicant or applicants.

I/We 1
.....
.....
.....
here by declare :—

(i) that I am/we are/ in possession of an invention for 2
.....
.....

2. Insert title of invention.

(ii) that I/We/the said 3.....
claim (s) to be the true and first inventor(s) there of;

3. State who is /are the inventor(s).

(iii) that the said invention is an improvement in or modification of the invention for which a patent was applied for on the....
.....and the application numbered
for which I was /we were the applicant(s)/for/which patent

4. Strike out the brackets and words "(and the complete specification)" if a complete specification accompanies this form.

numbered..... dated was granted and of which I am/we are the patentees;

(iv) that the provisional/complete specification filed with this application is4 (and the complete specification) and any amended specification which may hereafter be filled in this behalf will be true of the invention to which this application relates;

(v) that I/we believe that I am/we are entitled to a patent for the said invention having regard to the provisions of the Patents Act, 1970;

5. To be signed by applicant or applicants or if the applicant(s) is/are absent from India, by an authorised patent agent.

(vi) that to the best of my/our knowledge, information and belief the facts and matters stated herein are correct and that there is no lawful ground of object on to the grant of patent to me/us on this application.

I/We request that a patent may be granted to me/us for the said invention as a patent of additions to patent No..... the patent to be granted on application No.....of

I/We request that all notices, requisitions and communications relating to this application may be sent to,..... at

Dated this Day of 19 .

(Signaturd)5

To,

The Controller of Patents,
The Patents Office.

NOTE.—Fee—

(a) Rs. 20·00 if a provisional specification accompanies this Form.
(b) Rs. 50·00 if a complete specification accompanies this Form.

Strike out whichever is inapplicable.

FORM 1AB

THE PATENTS ACT, 1970

Fee. See Note below.

APPLICATION FOR PATENT OF ADDITION BY THE ASSIGNEE OR LEGAL REPRESENTATIVE OF THE TRUE AND FIRST INVENTOR.

(See section 54)

(To be made in triplicate and shall be accompanied by three copies of the provisional specification in Form3, or the complete specification in Form 3A).

1. Insert (in full) name, address and nationality of applicant or applicants

I/We1 hereby declare :—

(i) that I am/we are in possession of a invention for2.....

2. Insert title of invention.

3. Insert name.

(ii) that I/we/the said3..... claim(s) to be the assignee(s) of or the legal representative(s) of4..... who claim(s) and is/are believed to be the true and first inventor(s) thereof;

4. State who is/are the inventor(s).

5. Strike out the brackets and words "(and the complete specification)" if a complete accompanies this form.

(iii) that the said invention is an improvement in or modification of the invention for which a patent was applied for on the and the application numbered for which I was/were the applicant(s) for which patent numbered..... dated was granted and of which I am/we are the patentee(s);

(iv) that the provisional /complete specification filed with this application is5 (and the complete specification) and any amended

6. To be signed by applicant or applicants or if the applicant(s) is/are absent from India, by an authorised patent agent.

specification which may hereafter be filed in this behalf will be, true of the invention to which this application relates;

(v) that I/we believe that I am/we are entitled to a patent for the said invention on having regard to the provisions of the Patents Act, 1970;

(vi) that to the best of my/our knowledge, information and belief, the facts and matters stated herein are correct and that there is no lawful ground of objection to the grant of patent to me/us on this application.

I/We request that a patent may be granted to me/us for the said invention as a patent of addition to patent No./ the patent to be granted on application No. of

I/We request that all notices, requisitions and communications relating to this application may be sent to at

Dated this day of 19 .

(Signature)[6]

To,
The Controller of Patents,
The Patent Office

NOTE.—Fee—
(a) Rs. 20·00 if a provisional specification accompanies this Form.
(b) Rs. 50·00 if a complete specification accompanies this Form.
Strike out whichever is inapplicable.

FORM 1AB (Reverse)

ENDORSEMENT BY THE TRUE AND FIRST INVENTOR

1. Insert (in full) name, address and nationality.

I/We/
.....
.....
referred to on the reverse of this document as claiming to be the true and first inventor(s) hereby declare that the applicant(s) who has/have signed this application on the reverse is/are my/our assignee(s).

2. To be signed by the true and first inventor(s).

Dated this day of 19 .

(Signature)[6]

Signatures of two witnesses along with their names and addresses

1.
.....

2
.....

FORM 2

THE PATENTS ACT, 1970

CONVENTION APPLICATION FOR PATENT.

(See section 7 and 135)

Fee Rs. 50/-

(To be made in triplicate and shall be accompanied by three copies of the complete specification in Form 3A).

1. Insert (in full) name, address and nationality of applicant or applicants

I/We[1]
.....
.....
.....
hereby declare :—

(i) that I am/we are in possession of an invention for[2]
.....
.....

2. Insert title of invention

(ii) that I/we have made an application/applications for protection of an invention/inventions in the following country/countries and on the following official date/ dates namely :—

3. Insert the name of the convention country / countries in which the first application(s) was/ were made.

in[3] on[4] for[5]
.....
in[3] on[4] for[5]
.....
and that the said application or each of the said applications

was the first application(s) in a Convention country/countries in respect of the said invention;

4. Insert the official date(s) of the first application(s) in a convention country/ countries.

(iii) that the complete specification filed with this application is and any amended specification which may hereafter be filed in this behalf will be true of the invention to which this application relates;

5. Insert title.

(iv) that I/We believe that I am /we are entitled to a patent for the said invention having regard to the provisions of the Patents Act, 1970;

(v) that to the best of my/our knowledge, information and belief, the facts and matters stated herein are correct and that there is no lawful ground of objection to the grant of a patent to me/us on this application;

6. To be signed by applicant or applicants or if the applicant(s) is / are absent from India, by an authorised patent agent.

I/We request that a patent may be granted to me/us for the said invention with priority based on the above mentioned application(s) in a Convention country/countries under the provisions of sub-section (1) of section 135 of the Act.

I/We request that all notices, requisitions and communications relating to this application may be sent to.....
at

Dated this . . . day of 19 .

(Signature)[6]

TO,

The Controller of Patents
The Patent Office.

Strike out whichever is inapplicable.

FORM 2A

THE PATENTS ACT, 1970

Fee. Rs. 50/-.

CONVENTION APPLICATION FOR PATENT BY THE ASSIGNEE OR LEGAL REPRESENTATIVE OF THE APPLICANT IN CONVENTION COUNTRY.

[*See* sections 7 and 135]

(To be made in triplicate and shall be accompanied by three copies of the complete specification in Form 3A).

1. Insert (in full) name, address and nationality of applicant or applicants.

I/We[1]
.....
.....
hereby declare :—

(I) that I am/we are in possession of an invention for[2]

2. Insert title of invention.

(ii) that an application/applications for protection of an invention/inventions has/have been made in the following country/ countries on the following official date/dates namely :—

3. Insert the name of the convention country/ countries in which the first application(s) was/were made.

4. Insert the official date (s) of the first application(s) in a convention country/countries.

in[3] on[4] by[5]
..... for[6]
in[3] on[4] by[5]
..... for[6]
in[3] on[4] by[5]
..... for[6]

and that the said application or each of the said applications was/were the first application(s) in a convention country/ countries in respect of the relevant invention by the said

5. Insert name, address and nationality of applicants.

(iii) that I/we am/are the legal representative(s) of[7]
.....
the assignee (s) of[7] deceased/

6. Insert title.

7. Insert name, address and nationality of applicant(s) in a convention country/countries.

(iv) that the complete specification filed with this application is and any amended specification which may hereafter be filed in this behalf will be true of the invention to which this application relates;

(v) that I/we believe that I am/we are entitled to a patent for the said invention having regard the provisions of the Patents Act, 1970;

8. To be signed by applicant or applicants or if the applicant(s) is/are absent from India, by an authorised, patent agent.

(vi) that to the best of my/our knowledge, information an belief, the facts and matters stated herein are correct and that there is no lawful ground of objection to the grant of paten to me/us on this application.

I/We request that a patent may be granted to me/us for the said invention, with priority based on the above mentioned application(s) in a Convention country/countries under the provisions of sub-section (1) of section 135 of the Act.

I/We request that all notices, requisitions and communications relating to this application may be sent to at.....

Dated this day of 19 .
(Signature)

To

The Controller of Patents.
The Patent Office..

Strike out which ever is inapplicable.

FORM 2 A (Reverse)

ENDORSEMENT BY APPLICANT IN CONVENTION COUNTRY

1. Insert (in full) name, address and nationality.

2. To be signed by the applicant/applicants in convention country/countries.

I/We[1]
.....
referred to on the revere of this application as claiming to be the applicant(s) in the country/countries specified in paragraph (ii), hereby declare that the applicant(s) who has/have signed this application on the reverse is/are my/our assignee(s).

Dated this day of 19 .
(Signatre)[2]
Signatures of two witnesses along with their names and addresses :

1
.....
2
.....

FORM 2B Fee. Rs. 50/-.
THE PATENTS ACT, 1970

CONVENTION APPLICATION FOR PATENT OF ADDITION

[*See* sections 7, 54 and 135]

(To be made in triplicate and shall be accompanied by thr ce copies of the complete specification in Form 3A).

1. Insert (in full) name, address and nationality of applicant or applicants

I/We[1]
.....
.....
hereby declare :—

(i) that I am/we are in possession of an invention for[2].....
.....

2. Insert title of invention

3. Insert the name of the convention country/countries in which the first application(s) was/were made.

(ii) that I/we have made an application/applications for the protection of an invention/invention s in the following country/countries and on the following official date/dates namely :-
in[3]..... on[4] for[5]
.....
in[3]..... on[4] for[5]
.....
in[3].....on[4].....for[5]
.....

and that the said application or each of the said applications was the first application(s) in a Convention country/countries in respect of the said invention;

4. Insert the official date(s) of the first application (s) in a convention country/ countries.

(iii) that the said invention is an improvement in or modification of the invention for which a patent was applied for on the.... and the application numbered for which I was /we were the applicants/for which patent No. of dated.....was granted and of which I am/we are the patentee(s):

5. Insert title.

6. To be signed by applicant/applicants or if the applicant(s) is/ are absent from Jndia, by an authorised patent agent.

(iv) that the complete specification filled with this application is and any amended specification which may hereafter be filed[5] in this behalf will be true of the invention to which this application relates;

(v) that I/we believe that I am /we are entitled to a patent for the said invention having regard to the provisions of the Patents Act, 1970;

(vi) that to the best of my/our knowledge , information and belief, the facts and matters stated herein are correct and that there is no lawful ground of objection to the grant of a patent to me/us on this application.

I/We request that a patent may be granted to me/us for the said invention with priority based on the above mentioned application (s) in a convention country/countries under the provisions of sub-section (1) of section 135 of the Act, as patent of addition to patent No...../the patent to the granted on application No.

I/We request that all notices, requisitions and communications relating to this application may be sent to at.....

Dated this.....day of 19

(Signature)[6]

To

The Controller of Patents,
The Patent Office.

Strike out which ever is in applicable.

FORM 2AB Fee. Rs. 50/-.

THE PATENTS ACT, 1970

CONVENTION APPLICATION FOR PATENT OF ADDITION BY LEGAL REPRESENTATIVE OR ASSIGNEE OF THE APPLICANT IN CONVENTION COUNTRY.

[*See* sections 7, 54 and 135]

(To be made in triplicate and shall be accompanied by three copies of the complete specification in Form 3A).

1. Insert (in full) name, address and nationality of applicant or applicants.

I/We[1] hereby declare :—

(i) that I am/we are in possession of an invention for[2].....

2. Insert title of invention.

(ii) that an application/applications for protection of an invention/ inventions has/have been made in the following country/ countries on the following official date/dates namely :—

3. Insert the name of the convention country / countries in which the first application(s) was/ were made.

in[3]..... on[4]
by[5]..... for[6].....
in[3] on[4]
by[5] for[6]

and that the said application or each of the said application/ was the first application(s) in a convention country/countries in respect of the said invention;

4. Insert the official date(s) of the first application(s) in a convention country/countries.

(iii) that I am/we are the legal representative (s) of[7] deceased/the assignee(s) of[7]

(iv) that the said invention is an improvement in or modification of the invention for which a patent was applied for on the..... and the application numbered..... for which I was/we were the applicants/for which patent numbered.....dated..... was granted and of which I am/we are the patentee (s);

5. Insert name, address and nationality of applicant(s).

(v) that the complete specification filed with this application is, and any amended specification which may hereafter be filed in this behalf will be true of the invention to which this application relates;

6. Insert title.

(vi) that I/we believe that I am/we are entitled to a patent for the said invention having regard to the provisions of the Patents Act, 1970;

7. Insert name, address and nationality of applicant(s) in a convention country/countries.

(vii) that to the best of my/our knowledge, information and belief, the facts and matters stated herein are correct and that there is no lawful ground of oblection to the grant of objection to the grant of patent to me/us on this application.

I/we request that a patent may be granted to me/us for the said invention, with priority based on the abovementioned application(s) in a Convention country/countries under the provisions of sub-section(1) of section 135 of the Act, as a patent of addition to patent No...../the patent to be granted on applications. No.....

8. To be signed by applicant or applicants or if the applicants is/are absent from India, by an authorised patent agent.

I/we request that all notices, requisitions and communications relating to this application may be sent to..... at.....

Dated this.....day of.....19 .

(Signature)[8]

To

The Controller of Patents,

The Patent Office.

FORM 2AB (Reverse)

ENDORSEMENT BY APPLICANT IN CONVENTION COUNTRY

11. Insert (in full) name, address and nationality.

I/We[1] referred to on the reverse of this application as claiming to be the applicant(s) specified in paragraph(ii) hereby declare that the applicant(s) who has/have signed this application on the reverse is/are my/our assignee(s).

12. To be signed by the applicant(s) in convention country/countries.

Dated this.....day of.....19 .

(Signature)[8].....

Signatures of two witnesses along with their names and addresses:

1.....

.....

2.....

.....

FORM 3

THE PATENTS ACT, 1970

PROVISIONAL SPECIFICATION

No Fee. [*See* Section 10]

(To accompany in triplicate with Application in Forms Nos. 1, 1A, 1B or 1AB).

1. Insert title as in the application form.

1.

2. Insert (in full) name, address and nationality of applicant or applicants as in the application form.

2.

.....

3. Here begin description of the nature of the invention. The continuation of the specification should be on a paper of the same size, on one side only, with a margin of 1½ inches or or 4 centimetres on the left hand side of the paper. The specification and the two copies thereof must be signed at the end and dated thus :—

"Dated this.....

day of.....19 ."

3. The following specification describes the nature of this invention:—

FORM 3A

THE PATENTS ACT, 1970

COMPLETE SPECIFICATION

Fee Rs. 30/- where provisional specification has been left with the application. No fee when this Form accompanies the application.

[*See* Section 10]

(To accompany in triplicate with Applications in Forms Nos. 2, 2A, 2B or 2AB; or with Applications in Forms Nos. 1, 1A, 1B, or 1AB if a provisional specification does not accompany them).

Where one or more provisional specifications have been left with one or more applications, quote, its/their No.(s) and date (s).

No. (s)

Date (s)

1. Insert title as in the application form.

1.

.....

2. Insert (in full) name, address and nationality of applicant or applicants as in the application form.

2.

.....

The following specification particularly describes and ascertains the nature of this invention and the manner in which it is to be performed:—

3. Here begin full description of the invention. The continuation of the specification should be on a paper of the same size, on one side only. with a margin of 1½ inches or 4 centimetres on the left hand side of the paper. The complete specification of the description should be followed by the words "I /We claim" after which should be written the claim or claims numbered consecutively. The specification and the two copies thereof must be signed at the end and dated thus :—

"Dated this.....
day of.....19 ."

3.....
.....

FORM 4

THE PATENTS ACT, 1970

No Fee. STATEMENT AND UNDERTAKING UNDER SECTIONS 8

[*See* rule 13]

1. State the name, address and nationality of applicant(s).

I/We[1]

who have made an application for patent numbered
.....dated for my/our invention

2. State the title of invention.

relating to[2].....
.....

hereby declare :—

3. State name, address and nationality of person through whom the applicant(s) claim(s) or of the person deriving title from the applicants.

(i) that alone /jointly[3] of
through whom we with claim the title to make the said application/deriving the title in the said invention from me/us, have made application(s) for patent(s) for the same/substantially same invention in the following countries namely:—

(a) 4
(b) 4
(c) 4

4. State country, number(s) and date(s) in which corresponding application(s) for patent(s) has/have been filled outside India.

(ii) that the said application (s) has/have been accepted, refused, abandoned or withdrawn;

(iii) that the following patent(s) has/have been granted on such application(s) :—

(a) 5
(b) 5
(c) 5

5. State the number(s) and official date(s) of the patent(s) and the country/ countries.

State the name(s) and address(es) of the assignees.

(iv) that the rights in the application(s) have been assigned to[4].....
.....

(v) that I/we undertake that upto the date of acceptance of the complete specification filed in connection with my/our abovementioned application, I/We would keep the Controller informed in writing from time to time of the details regarding applications for patents filed outside India from time to time for the same or substantially same invention, within three months from the date of filing of such applications;

7. To be signed by the applicant or applicants/ his/their authorised patent agent(s).

(vi) that the facts and matters stated herein are true to my/our knowlwedge, information and belief.

Dated this.....day of..... 19

(Signature)[7]

To

The Controller of Patents,
The Patent Office.

NOTE.—Strike out whichever is inapplicable.

FORM 5

THE PATENTS ACT, 1970.

Fee Rs. 25/- per month.

REQUEST FOR EXTENSION OF TIME UNDER SECTION 9(1)

[*See* Sections 9(1), 21(2) and 53(3)]

1. State name, address and nationality.

I/We[1]
.....
hereby request extension of time for months,

2. Strike out whichever is inapplicable.

2 (a) under section 9 (1) for filing a complete specification in respect of application No.
.....of.....

(b) under section 21 (2) for putting my/our application No.....
..... of
in order for acceptance.

(c) under section 53(3) for payment of renewal fee on patent No. dated the....
in respect of the year.

The reasons for making this application are as follows :—

.....

.....

My/Our address for service in India is :—

3. To be signed by the applicant(s) or authorised patent agent.

.....
.....

Dated this.....dav of.....19

(Signature)[3]

To
The Controller of Patents,
The Patent Office.

FORM 6

THE PATENT ACT, 1970

No Fee.

DECLARATION AS TO INVENTORSHIP

[*See rule* 14(5)]

1. Insert name(s) of applicant(s).

I/We[1].....
do hereby declare that the true and first inventor(s) of the invention disclosed in the complete specification filed in pursuance of my/our application(s) numbered dated.....
.....19 / is/are :—

2. State name, address and nationality of inventor or of each inventor.

2.....
..
.....
.....
and that my/our right to apply for a patent for the invention is as follows[3] :

3. This need not be filled in if the inventor (s) named at 2 is/are an applicant/applicants, or if the right to apply is as stated in the application form.

4. To be signed by applicant

Dated this.....day of.....19
(Signature)[4]

Except in the case of a convention application, if any person named as inventor at 2 above is not so named in the application or in any of the applications, he must sign the following statement :—

I assent to the invention referred to in the above declaration, being included in the complete specification filed in pursuance of the stated application(s).

5. To be signed by the inventor.

(Singnature)[5].....

To
The Controller of Patents,
The Patent Office.

NOTE.—Strike out whichever is inapplicable.

FORM 7

THE PATENTS ACT, 1970

Fee Rs. 25/-per month

APPLICATION FOR EXTENSION OF TIME

[*See rules* 14(5) and 24]

Application for patent or Patent No. of.....dated.....

1. State name, address and nationality.

1/We[1]
hereby apply for extension of time for a period of..... month(s)

2 (a) to file a declaration of inventorship under rule 14(5).
(b) to remove an objection under section 13(1)(b) or section 19(1).
(c) to notify agreement to the amendment of the specification or to the insertion of a reference.

Dated this.....day of.....19

2. To be signed by the applicant(s) or patentee(s) or authorised patent agent.

(Signature)[2]

To
The Controller of Patents,
The Patent Office.

Strick out whichever is inapplicable.

FORM 8

THE PATENTS, ACT, 1970

Fee Rs. 30/-

REQUEST FOR THE POST-DATING OF AN APPLICATION

[*See section* 17(1)]

I/We hereby request that application No.
filed on the of.....19
be deemed to have been made on the following date, namely, the
.....of.....19
Dated this day of.....19

1. To be signed by applicant(s) or authorised patent agents. State below the signature, the address and nationality of the applicant(s) also.

(Signature)[1].
.....
.....
.....
.....

To
The Controller of Patents,
The Patent Office.

FORM 9

THE PATENTS ACT, 1970

FEE RS. 25/- APPLICATION FOR DELETION OF REFERENCE UNDER SECTION 19(1)

[*See rule* 28]

1. State (in full) name and address of the applicants.

I/We[1]
.....
hereby apply deletion of the reference to Patent No.
which has been inserted in the complete specification of my/our application No. of.)
Patent No. *in pursuance of* a direction under section 19(1)
The facts relied upon in support of this application are.....
.....
Dated this day of..... 19

2. To be signed by the applicant(s) or authorised patent agent.

(Signature)[2]
.....
.....

To

The Controller of Patents,
The Patent Office.

NOTE :—Strike out whichever is inapplicable.

[FORM 10

THE PATENTS ACT, 1970

Fee. Rs. 25/-.

CLAIM UNDER SECTION 20(1) TO PROCEED AS AN APPLICANT OR JOINT APPLICANT.

1. State name, address and nationality of claimants.

I/We[1]
.....
hereby request that the application for patent No.....
.....of dated.....
made by[3]

2. State the name of the applicant(s) for patent

.....
.....
may proceed in the name(s) of[3]
.....

3. Insert (in full) name, address and nationality of the person (s) in whose name(s) it is requested that the application shall proceed.

I/We claim to be entitled to proceed as applicant(s) for the patent by virtue of[4]
.....
.....

4. Give particulars of such document giving its date, the parties thereof and showing how the claim here made is substantiated.

5. State the nature of the document (copy).

And in the proof whereof I/We transmit the accompanying[5]

My/Our address for service in India is :—

6. To be signed by the claimant(s).

.....
.....

7. State name, address and nationality of the applicant.

Dated this.....day of.....19
Signature[6]

8. To be signed by applicant(s) or authorised patent agent.

I/We[7].....
consent to the above request.

(Signature)[8].....

To

The Controller of Patents,
The Patent Office.

NOTE .—Strike out whichever is inapplicable.

FORM 11

THE PATENTS ACT, 1970

Fee Rs. 25/-. REQUEST FOR DIRECTIONS UNDER SECTION 20 (4) TO PROCEED WITH AN APPLICATION FOR PATENT IN THE EVENT OF THE DEATH OF THE JOINT APPLICANT

(See rule 30)

1. State name, address and nationality of the applicant(s). I/We[1] who has/have made an application for patent No..... of.....dated..... jointly.....with[2] hereby declare that the said[2] has died on.....

2. State name, address and nationality of the deceased. I/We request that an order be made giving directions for enabling the application to be proceeded in my/our name(s).

I/We state that the legal representative(s) of the deceased[1]..... has/have consented to this request. The proof of the death of the deceased and the evidence that he is/they are the legal representative(s) of the deceased, are submitted herewith.

My/Our address for service in India is :—

.....

.....

3. To be signed by the applicant(s) or authorised patent agents. Dated this.....day of.....19

(Signature)[3]

To

The Controller of Patents,
The Patent Office

ENDORSEMENT BY THE LEGAL REPRESENTATIVE

4. State name, address and nationality. I/We[4] the legal representative (s) of the deceased.....hereby give our consent that application for patent No.....of..... dated.....may be proceeded with in the name(s) of the applicant(s) herein.

5. To be signed by the legal representative(s). Dated this.....day of.....19

(Signature)[3].....

NOTE :—Strike out whichever is inapplicable.

FORM 12

THE PATENTS ACT, 1970

Fee Rs. 25/-. APPLICATION FOR DIRECTIONS UNDER SECTION 20(5) TO PROCEED WITH AN APPLICATION FOR A PATENT IN CASE OF DISPUTE BETWEEN JOINT APPLICANTS.

(See rule 31)

To be made in duplicate and shall be accompanied by two copies of the statement setting out fully the facts upon which the applicant relieved and the direction which he seeks..

1. State name and address. I[1]

.....

2. State name and address of other applicant(s) being a joint applicant with[2]

.....

in the application for patent No.....of..... dated.....hereby declare that a dispute has arisen between us and request that an order of the Controller be made giving directions for enabling the application to proceed. Particulars of the matters in dispute are given in the annexed statement.

My address for service in India is :—

.....

.....

3. To be signed by the applicants or authorised patent agent. Dated this.....day of..... 19

(Signature)[3]

To

The Controller of Patents,
The Patent Office.

NOTE:—Strike out whichever is inapplicable.

FORM 13

THE PATENTS ACT 1970

Fee Rs. 30/-

APPLICATION FOR POSTPONEMENT OF ACCEPTANCE OF COMPLETE SPECIFICATION.

(See proviso to section 22)

I/We hereby request for postponement of the acceptance of the complete specification filed in pursuance of application for patent No..... of.....dated..... to a date not later than the expiration of..... months from the date of this request.

Dated this.....day of.....19

1. To be signed by applicant or applicant(s) or authorised patent agent.

(Signature)[1]

To

The Controller of Patents,
The Patentr Office.

Note:—Strike out whichever is inapplicable.

FORM 14

THE PATENTS ACT, 1970

Fee Rs. 25/-

APPLICATION FOR EXTENSION OF TIME UNDER SECTION 25(1) OR SECTION 28(4).

(See rule 34)

(To be filed in triplicate)

1. Insert (in full) name, address and nationality.

I/We.....
.....

hereby apply for extension of time by a period of one month :—

2. Strike out whichever is inapplicable.

2. (a) under section 25(1) for giving notice of opposition in respect of application for patent No..... of dated.....

(b) under section 28(4) for making a request under section 28(2) or claim under section 28(3) in respect of application for patent No..... of.....dated.....

The reasons for making this application are as follows :—

.....
.....

My/Our address for service in India is :—

.....
.....

3. To be signed by the applicant(s) or authorised patent agent.

Dated this.....day of 19

(Signature)[3].....

To

The Controller of Patents,
The Patent Office

Note:—Strike out whichever is inapplicable.

FORM 15

THE PATENTS ACT, 1970

NOTICE OF OPPOSITION TO GRANT OF PATENTS/Under Section 25

(See rule 135)

Fee Rs. 50/-

(To be made in triplicate

1. State (in full) name, address and nationality.

I/We[1]
.....

2. State (in full) name address and nationality of applicant for patent.

hereby give notice of opposition to the grant of a patent on application for patent No,..... of.....dated.....made by[2].....
.....

3. State the grounds of opposition

on the grounds[3].....
.....

4. To be signed by opponents or if the oponent(s) is/are absent from India by authorised patent agent.

My/Our address for service in India is:-
.....
.....

Dated this.....day of.....19

(Signature)[4]

To

The Controller of Patents;
The Patent Office.

Note:- Strike out whichever is inapplicable.

FORM 16

THE PATENTS ACT, 1970

Fee, Rs. 50-. NOTICE THAT HEARING BEFORE THE CONTROLLER WILL BE ATTENDED

[See rule 44(2)]

1. State name and address.
2. Give particulars (*i.e.*, number of application or patent, names of parties and nature of proceedings.)
3. To be signed by the party giving notice or authorised patent agent.

I/We.....
.....
hereby give notice that the hearing fixed for the.....
with reference to[2].....
.....
will be attended by me/us or by some person on my/our behalf.

dated this.....day of.....19....

(Signature)[3].....

TO
THE CONTROLLER OF PATENTS,
THE PATENT OFFICE.

NOTE :—Strike out whichever is inapplicable

FORM 17

THE PATENTS ACT, 1970

Fee, Rs. 25/- Per month.

APPLICATION FOR EXTENSION OF TIME UNDER RULE 48

Application for patent No.....of.....
dated.....
1. State name, address and nationality.

I/We,.....
.....
hereby apply for extension of time for a period of.....
.....month(s)
(i) to submit amendment of the complete specification under rule 46 or
(ii) to make amendment or notify agreement to the amendment of complete specification under rule 47(3).

2. To be signed by applicant(s) or authorised patent agent.

Dated this.....day of.....19.....

(Signature)[3].....

TO
THE CONTROLLER OF PATENTS,
THE PATENT OFFICE.

NOTE :—Strike out whichever is inapplicable.

FORM 18

THE PATENTS ACT, 1970

Fee, Rs. 25/-.

REQUEST UNDER SECTION 28(2).

(See rule 49).

1. State (in full) name, address and nationality of applicant(s) for patent.
2. State the title of invention.
3. State name, address and nationality of the inventor(s) if he is/they are not applicant(s).
4. Insert name of inventor(s)

I/We[1].....
.....
Who made an application for patent No.....
of.....dated.....
for an invention, the title of which is[2].....
.....
.....
and I/We[3].....
.....
hereby declare that the said[4].....
.....
.....
is/are the inventor(s) of the invention in the application for patent No.....of.....
dated.....and I/We hereby request that the said[4].....
be mentioned as such inventor(s) under section 28.

A statement setting out the circumstances under which this application is made, is attached.

My/Our address for service in India is:—

.....

Dated this.....day of.....19.....

[2] To be signed by all the persons making the request or authorised patent agent.

(Signature)[2].....

To

The Controller of Patents,
The Patent Office.

Strike out whichever is inapplicable.

FORM 19

THE PATENTS ACT, 1970

Fee Rs. 25 CLAIM UNDER SECTION 28(3).

[*See* rule 50]

[1] State (in full) name, address and nationality of the claimant.

I/We[1].....

.....

hereby declare that I am/We are the inventor(s) of the invention in the application for patent No.....of.....dated.....

[2] Insert name and address of applicant(s) for patent.

made by[2].....

.....and I/we hereby claim to be mentioned as such inventor under section 28(3) of the Act

A statement setting out the circumstances under which this claim is made, is attached, together with a copy/copies thereof as required by rule 50 of the Patents Rules, 1972.

My/Our address for service in India is:—

.....

.....

Dated this.....day of.....19....

[3] To be signed by the claimant(s) or authorised patent agent.

(Signature)[3].....

To

The Controller of Patents,
The Patent Office.

Strike out whichever is inapplicable.

FORM 20

THE PATENTS ACT, 1970

Fee Rs. 25 APPLICATION UNDER SECTION 28(7)

[*See* rule 51]

[1] State (in full) name, address and nationality of the person(s) making this application.

I/We[1].....

.....

.....

hereby declare that[2].....

.....

[2] Insert name of the person mentioned as the inventor.

ought not to have been mentioned under section 28 as inventor of the invention in the application for patent No.....of.....dated.....

and I/we hereby apply for a certificate to that effect.

[3] To be signed by all the persons making the application or authorised patent agent.

A statement setting out the circumstances under which this application is made, is attached together with a copy/copies thereof as required by rule 51.

My/Our address for service in India is :—

.....

.....

Dated this..... day of.....19..

(Signature)[3].....

To

The Controller of Patents,
The Patent Office.

Strike out whichever is inapplicable.

FORM 21

THE PATENTS ACT, 1970

Fee Rs. 5. APPLICATION FOR PERMISSION FOR APPLYING FOR PATENTS OUTSIDE INDIA.

[*See* section 39]

1. State the title of the invention.

I am/We are in possession of an invention for1.....
I/We have made an application for the grant of a patent for the said invention, its number being No.....of..... dated.....

I/We propose to make application(s) for patent(s) in the following country/countries, namely :—

.....

.....

I/We request that I/We may be granted permission to make application(s) for the said invention in the said country/countries. The reasons for making this application, before the conditions specified in section 39(1) of the Act are satisfied, are as follows :—

I/We hereby declare that the facts and matters stated herein are true to the best of my/our knowledge, information and belief.

Dated this day of.....19 .

2. To be signed by the applicant(s) or authorised patent agent.

(Signature)2.....

To

The Controller of Patents
The Patent Office.

Strike out whichever is inapplicable.

FORM 22

THE PATENTS ACT, 1970

Fee Rs. 60. REQUEST FOR THE SEALING OF A PATENT UNDER SECTION 43

[*See* rule 56(1)]

1. State name of applicant or applicants.

I/We1.....
.....

2. Both the application and serial numbers to be inserted.

request that a patent may be sealed on my/our application No.2 of dated..... and that the following address may be entered on the register as my/our address for service in India :—

.....

.....

Dated this.....day of.....19....

To be signed by applicant(s) or authorised patent agent.

(Signature)2.....

To

The Controller of Patents,
The Patent Office.

Strike out whichever is inapplicable.

FORM 23

THE PATENTS ACT, 1970

Fee Rs. 25 per month. APPLICATION UNDER SECTION 42(2) FOR THE EXTENSION OF THE PERIOD FOR MAKING A REQUEST FOR THE SEALING OF A PATENT

[*See* rule 56(3)]

[1] State the name in full, address and nationality.

I/We[1]
.....
hereby apply for.....months(s) extension of the period for making a request for the sealing of a patent on application No.....of.....

dated.....

The reasons for making this application are as follows :—

.....

.....

Dated this.....day of..... 19...

[2] To be signed by applicant(s) or authorised patent agent.

(Signature)[2].....

To

The Controller of Patents,
The Patent Office.

Strike out whichever is inapplicable.

FORM 24

THE PATENTS ACT, 1970

Fee Rs. 50. APPLICATION UNDER SECTION 44 FOR AMENDMENT OF PATENT

[*See* rule 58]

(To be made in duplicate and shall be accompanied by evidence verifying the statements made in this application and the patent granted)

[1] State name in full, address & nationality.

I/We[1].....
.....
hereby request that Patent No.....
of.....dated.....granted to
.....

State the name, address and nationality of the person to whom the patent ought to have been granted.

may be amended by substituting the name of[1].....
.....
.....for the name of the grantee.

My/Our address for service in India is :—

.....

.....

Dated this.....day of..... 19..

[2] To be signed by the applicant(s) or authorised patent agent.

(Signature)[2].....

To

The Controller of Patents,
The Patent Office

FORM 25

THE PATENTS ACT, 1970

Fee Rs. 25. APPLICATION FOR DIRECTIONS UNDER SECTION 51(1)

[*See* rule 59]

(To be filed in duplicate and shall be accompanied by a statement setting out the facts upon which the applicant relies.)

[1] State the name in full, address and nationality.

I/We[1]
.....
hereby apply for the following directions in respect of patent No. of dated :—

.....

.....

My/Our address for service in India is :—

.....

.....

Dated this day of 19..

[2] To be signed by the applicant(s) or authorised patent agent.

(Signature)[2]

To

The Controller of Patents,
The Patent Office.

Strike out whichever is inapplicable.

FORM 26

THE PATENTS ACT, 1970

Fee Rs. 25. APPLICATION FOR DIRECTIONS UNDER SECTION 51(2)

[*See* rule 60]

(To be made in duplicate and shall be accompanied by two copies of the statement setting out the facts upon which the applicant relies)

[1] State name in full, address and nationality of patentee(s).

[2] State name in full, address and nationality of the other patentee(s).

I/We[1]
.....
hereby apply for directions in respect of the failure of[2]
.....
to comply with the directions of the Controller given under section 51(1) in the following matter :—

.....

.....

My/Our address for service in India is :—

.....

.....

Dated this day of 19....

[3] To be signed by the applicant(s) or authorised patent agent.

(Signature)[3]

To

The Controller of Patents,
The Patent Office.

Strike out whichever is inapplicable.

FORM 27

THE PATENTS ACT, 1970

Fee Rs. 50/-.

REQUEST FOR THE GRANT OF PATENT UNDER SECTION 52(2).

[*See* rule 62]

(To be accompanied by a statement setting out the facts upon which the applicant relies and a certified copy of the order).

1. State name in full, address and nationality of the applicant(s).

I/We[1]..... hereby declare :—

2. State the name of the High Court.

3. State the place where the High Court or bench thereof is situate.

(*i*) that I/We made a petition under section 64 of the Act before the High Court of[2] at[3] for the revocation of patent No..... granted to/ owned by[4]..... being petition No..[5].....of.....

4. State the name address and nationality of the patentee.

(*ii*) that I/we have claimed to be the true and first inventor(s)/ assignee(s)/Legal representative(s) of[6]..... the true and first inventor of the invention for which the said patent was granted.

(*iii*) that by an order (a certified copy from the said Court is annexed hereto) in the said petition, the said Court has revoked the said patent/directed amendment of the complete specification of the patent by exclusion of claims..... thereof and ordered the grant to me/us of a patent in lieu of the said patent/for the part of the invention excluded by amendment.

5. State the number and year of the suit/petition.

6. State the name, address and nationality of the true and first inventor.

(*iv*) that the facts and matters stated herein are true to the best of my/our knowledge, information and belief.

I/We request that a patent in lieu of the said revoked patent/for part of the invention excluded from the complete specification of the said patent be granted to me/us.

Dated this.....day of..... 19

7. To be signed by the applicant(s) or authorised patent agent.

(Signature)[7].....

To

The Controller of Patents,
The Patent Office.

Strike out whichever is inapplicable.

FORM 28

THE PATENTS ACT, 1970

Fee Rs. 25/-.

REQUEST FOR CONVERTING A PATENT OF ADDITION TO AN INDEPENDENT PATENT UNDER THE PROVISO TO SUB-SECTION (1) OF SECTION 55.

[*See* rule 64]

1. Statement in full, address and nationality of the applicant(s).

I/we[1].....hereby declare :—

(*i*) that I/we were granted patent No.....dated..... for my/our main invention titled.....and a patent of addition No.....dated..... for an improvement in or modification of the main invention titled.....

(*ii*) that the patent for the main invention has been revoked by the High Court of[2].....by its judgment and decree in[3]/the Controller by his decision/order dated.....

2. State the place where the High Court or branch thereof is situate.

3. State details of the relevant proceedings.

I/We request that the Controller may pass an order that the said patent of addition shall become an independent patent for the remainder of term of the said patent for the main invention.

4. To be signed by the applicant(s) or authorised patent agent.

Dated this.....day of..... 19

Signature[4].....

Strike out whichever is inapplicable.

FORM 29

THE PATENTS ACT, 1970

Fee. See Note below.

APPLICATION FOR AMENDMENT OF THE APPLICATION FOR PATENT/COmPLETE SPECIFICATION UNDER SECTION 57

[*See* rule 65(1)]

1. Insert name in full address and nationality of applicant(s).

I/We[1]

request leave to amend the[2]

of (application for) patent No. of.....

2. State whether application or complete specification is to be amended.

dated.....as shown in red ink in the copy[3] hereto annexed.

3. See note at the foot of the form.

I/We declare that no action for infrignement or for the revocation of the patent in question is pending before a court.[4]

4. Strike out this paragraph if a patent has not been granted.

My/Our reasons for making this amendment are as follows :—

.....

.....

5. To be signed by applicants(s) or patentee (s) or if the applicant(s)/ patentee (s) is/are absent from India, by authorised patent agent.

I/We declare that the facts and matters stated herein are true to the best of my/our knowledge, information and belief.

My/Our address for service India is :—

.....

.....

Dated this.....day of..... 19 .

(Signature)[5].....

To

The Controller of Patents,
The Patent Office.

Strike out whichever is inapplicable

If the specification has been printed, an officially printed copy shall be used.

NOTE :—Fee.—

Before acceptance	Rs. 30·00
After acceptance	Rs. 60·00
After sealing	Rs. 100·00

FORM 30

THE PATENTS ACT, 1970

Fee Rs. 50/-.

NOTICE OF OPPOSITION TO AN APPLICATION FOR AMENDMENT UNDER SECTION 57.

[*See* rule 65(3)]

(To be made in duplicate)

1. State name in full, address and nationality.

I/We[1]

hereby give notice of opposition, under section 57, to the application for amendment of[4]

2. State whether application or specification is to be amended.

of (application for) patent No. for the following reasons:—

.....

.....

3. To be signed by the opponent(s) or authorised patent agent.

.....

Dated this.....day of..... 19.

(Signature)[5].....

To

The Controller of Patents,
The Patent Office.

Strike out whichever is inapplicable.

FORM 31
THE PATENTS ACT, 1970

Fee. See Note below.

APPLICATION FOR THE RESTORATION OF PATENT UNDER SECTION 60
[*See rule 68*]

1. Insert the name (in full), address and nationality of applicant(s).

I/We
.....hereby apply for an order of the Controller for the restoration of patent No.....
.....of

2. State the last date when fee was due.

dated.....granted to.....
.....

3. To be signed by the applicant(s) or if the applicant(s) is/are absent from India, by authorisd patent agent.

The circumstances which led to the failure to pay the renewal fee of Rs.....on or before the.....
.....day of.....are as follows :—
.....
.....

I, We declare that I/We have not assigned the patent to any other person(s) and that the facts and matters stated herein are true to the best of my/our knowledge, information and belief.
My/our address for service in India is:—
.....
.....

Dated this.....day of.....19.

(Signature)s

To
The Controller of Patents
The Patent Office.

Strike out whichever is inapplicable.

Note.—Fee—

(a) with application Rs. 150/
(b) additional fee on restoration Rs. 150/-

FORM 32
THE PATENTS ACT, 1970

Fee Rs. 50/-.

NOTICE OF OF POSITION TO AN APPLICATION FOR THE RESTORATION OF A PATENT UNDER SECTION 60.

[*See rule 69*]

(To be made in duplicate and shall be accompanied by two copies of the statement)

1. State name in full, address and nationality.

I/We
.....
hereby give notice of opposition, under section 61, to the application for restoration of patent No.....of.....
dated.....for the following reasons :—
.....
opponent(s).....
My/Our address for service in India is:—
.....
.....

2. To be signed by the opponent(s) or authorised patent agent.

Dated this.....day of 19

(Signature)s.....

To
The Controller of Patents,
The Patent Office.

Strike out whichever is in applicable.

FORM 33
THE PATENTS ACT, 1970.

Fee Rs. 50/-.

NOTICE OF OFFER TO SURRENDER A PATENT UNDER SECTION 63.

[*See rule 71(1)*]

1. Insert the name in full, address and nationality.

I/We[1]
.....
hereby offer to surrender patent No.
of dated granted to
.....

I/We declare that action for infringement or for revocation of the patent in question is pending before a Court.

My/Our reasons for making this offer are as follows :—
.....
.....

I/We declare that the facts and matters stated herein are true to the best of my/our knowledge, information and belief.

2. To be signed by the patentee(s) or if the patentee(s) is/are absent from India, by authorised patent agent.

My/Our address or service in India is :—
.....
.....
Dated this day of 19 .

(Signature)[2]

To
The Controller of Patents,
The Patent Office.

Strike out whichever is inapplicable.

FORM 34
THE PATENTS ACT, 1970.

Fee Rs. 50/-.

NOTICE OF OPPOSITION TO OFFER TO SURRENDER A PATENT UNDER SECTION 63.

[*See rule 71(3)*]

(To be made in duplicate.)

7. State the name in full, address and nationality.

I/We[1]
.....
hereby give notice of opposition Under Section 63, to the offer to surrender patent No. of
.....dated for the following reasons :—
.....
.....

2. To be signed by the opponent(s) or authorised patent agent.

My/Our address for service in India is :—
.....
.....
Dated this day of 19 .

(Signature)[2]

To
The Controller of Patents,
The Patent Office.

Strike out whichever is inapplicable.

FORM 35

THE PATENTS ACT, 1970

Fee.See Note below. *Application for Registration of a Document in the Register of Patents under Section 68.*

[*See* rule 73.]

1 Insert the name (in full), address and nationality.

2 State the nature of the document, the parties to the same and the date of its execution.

3 To be signed by the applicant(s) or authorised patent agent.

I/We[1].....
.....
hereby apply for the registration of a document the details of which are given below, in respect of patent (s) No(s)*.....of.....
.....dated.....granted to.....
.....and of which the patentee is.....
in the register of patents:—

[2].....
.....

My/Our address for service in India is:—
.....
.....

Dated this.....day of.....19 .

(Signature)[3]

To

The Controller of Patents,
The Patent Office.

*If the application is in respect of more than one patent, the number thereof as well as the other particulars required may be given in a separate sheet which should be attached to this form.

Note. FEE— in respect of one patent Rs. 25/-
for each additional patent Rs. 10/-

FORM 36

THE PATENTS ACT, 1970

Fee *See* Note below. *Application for the registration of the title of a person entitled to a Patent or a share in it in the Register of Patents under Section* 69(1).

[*See* rule 74(1)(*a*)]

1 Insert the name (in full), address and nationality

2 Give the name and address of person(s) to whom the patent was granted and who now owns it.

3 Insert title of invention.

4 Specify particular of such document, giving the date and the parties, to the same and showing how the claim here made is substantiated.

5 Insert nature of the document.

6 To be signed by the applicant(s) or authorised patent agent.

I/We[1].....
.....
hereby apply that my/our name(s) may be registered in the register of patents as a person(s) entitled to the patent or a share in the patent the details of which are specified below :

in patent(s) No.(s)*.....
granted to[2].....
.....
of which the title is [3].....

I/We claim to be so entitled by virture of[4].....
.....
.....

And in proof where of I/We transmit the accompanying[5].....
.....
with a certified copy thereof.

My/Our address for service in India is :—
.....
.....

Dated this.....day of.....19

(Signature)[6].....

To

The Controller of Patents,
The Patent Office.

*If the application is in respect of more than one patnet, the numbers there of as well as the other particulars required may be given in a separate sheet which should be attached to this form

Strike out whichever is inapplicable.

Note— Fee— in respect of one patent . Rs. 25/-
for each additional patent . Rs. 10/-

FORM 37

THE PATENTS ACT, 1970

Fee. See Note below.

Application for the registration of the notice of interest of person entitled as a Mortgagee or Licensee or otherwise in the Register of Patents under Section 69(1)

[*See* rule 74(1)(b)]

I/We[1]
.....
hereby apply that my/our name(s) may be registered in the register of patents as a person(s) entitled to an interest in the patent(s) by virtue of mortgage/licence/otherwise. The details of the patent(s) are specified below:

in patient(s) No.(s)*
granted to[2]
.....
of which the title is[3]
.....
I/We claim to be so entitled by virtue of[4]
.....
.....

And in proof whereof/we transmit the accompanying[5]
.....
with a certified copy thereof.

My/Our address for service in India is :—
.....
.....

Dated this.....day of.....19

(Signature)[6]

To

The Controller of Patents,
The Patent Office.

1 Insert the name (in full), address and nationality

2 Give the name and address of person(s) to whom the patent was granted.

3 Insert title of invention

4 Specify particulars of such document, giving the date, and the parties to the same and showing how the claim here made is substantiated

5 Insert the nature of the document.

6 To be signed by the applicant(s) or authorised patent agent.

*If the application is in respect of more than one patent, the numbers thereof as well as the other particulars required may be given in a separate sheet which should be attached to this form.

Strike out whichever is inapplicable.

NOTE.—FEE— In respect of one patent . Rs. 25/-
for each additional patent Rs. 10/-

FORM 38

THE PATENTS ACT, 1970

Fee. See Note below.

Application by the assignor for the registration of the title of the person entitled to a patent or a share in it in the Register of Patents under Section 69(2)

[*See* rule 74(2)]

I/We[1]
.....
hereby apply that the name(s) of[2]
.....
may be registered in the register of patents as person(s) entitled to a patent or a share in a patent the details of which are specified below:—

patent(s) No.(s)*
.....
.....
of which I am/we are the patentee(s),.....
and of which the title is
.....
He is/they are entitled to the said patent or to a share therein by virtue of[3].....
.....

1 Insert the name (in full), address and nationality.

2 Insert name, address and nationality of persons to be registered.

3 Specify the particulars of such document, giving its date and the parties to the same and showing how the claim made is substantiated.

4 Insert nature of the document

*To be signed by the applicant(s) or authorised patent agent.

And in proof whereof I/we transmit the accompanying[4].....
.....
with a certified copy thereof. His/Their address for service in India is:—

.....
.....

Dated this.....day of.....19 .

(Signature)[5]

To

The Controller of Patents,
The Patent Office.

*If the application is in respect of more than one patent, the numbers thereof as well a the other particulrs required may be given in a separate sheet which should be attached to this form

Strike out whichever is inapplicable.

Note: FEE—

In respect of one patent	. Rs. 25/-
for each additional patent	. Rs. 10/-

FORM 39

THE PATENTS ACT, 1970

Fee. See Note below

Application by the Mortgagor or Licensor or other persons for the instrument in the register of patents in a patent by virtue of mortgage, licence or otherwise under Section 69(2)

[*See* rule 74(2)(*b*)]

[1] Insert the name (in full), address and nationality

[2] Insert name, address and nationality of persons to be registered.

[3] Insert the title of invention.

[4] Specify the particulars of such document, giving its date and the parties to the same, and showing how the claim made is substantiated.

[5] Insert nature of the document.

*To be signed by the applicant(s) or authorised patent agent.

I/We[1]
.....
hereby apply that the name (s) of[2].....
.....
may be registered in the register of patents as person(s) entitled to an interest by virtue of mortgage or licence or other instruments in a patent (s) the details of which are specified below :

Patent(s) No.(s)*.....
.....
of which the title is[3].....
and of which I am/we are the patentee(s).....
He is/They are entitled to an interest in the said patent(s) by virture of[4].....
.....

And in proof whereof I/we transmit the accompanying[5].....
.....

with a certified copy thereof. His/Their address of service in India is:—

.....
.....

Dated this.....day of.....19 .

(Signature)[6]..

To

The Controller of Patents,
The Patent Office.

*If the application is in respect of more than one patent, the numbers thereof as well as the other particulars required may be given in a separate sheet which should be attached to this form.

Strike out whichever is inapplicable.

Note:—FEE—

in respect of one patent	. Rs. 25/-
for each additional patent	. Rs. 10/-

FORM 40

THE PATENTS ACT, 1970

Fee *See* Note below

Application for the entry in the register of Patents the notification of any other document purporting to affect the proprietorship of the Patent.

[*See* rule 74(3)]

I/We transmit herewith an attested copy of [1].....
.....
.....
.....
in respect of patent No.....
of..... dated
as well as the original document for verification, and I/we app that a notification thereof may be entered in the register of patents.

[2].....
.....

Dated this.....day of.....19

(Signature)[3]

To
The Controller of Patents,
The Patent Office.

[1] Insert a description of the nature of the document, giving the date and the names, addresses and nationalities of the parties hereto.

[2] Insert the name (in full), address and nationality of the party benefiting under the document.

[3] To be signed by the applicant(s) or authorised patent agent.

Strike out whichever is in applicable.

Note.—FEE in respect of one patent . Rs. 25/-
for each additional patent Rs. 10/-

FORM 41

THE PATENTS ACT, 1970

Fee Rs. 5/-.

Request for alteration of name, nationality address or address for service as entered in the register of Patents

[*See* rule 78(1)]

In the matter of Patent No. of.....
I/We[1].....
hereby request that.....
name, address or.....address for service as now entered in the register of patents may be altered to[2].....
.....
.....
.....
Dated this.....day of.....19
(Signature)[3].....

To
The Controller of Patents,
The Patent Office.

[1] Insert the name (in full), address and nationality

[2] Insert name, address or address for service to be entered in the register.

[3] To be signed by person(s) making the request or authorised Patent agent.

Strike out whichever is inapplicable

FORM 42

THE PATENTS ACT, 1970

Fee Rs. 10/-.

Requets for the entry of an additional address for service in the register of Patents.

[*See* rule 78(3)]

In the matter of Patent No,of.....
I/We[1].....
.....
hereby request that the following additional address for service may be entered in the register of patents:—
[2].....
.....
.....
Dated this.....day of.....19
(Signature)[3].....

To
The ControllerO of Patents,
The Patent Office.

[1] Insert the name in full, address and nationality

[2] Insert additional address for service, in full.

[3] To be signed by the applicant making the request or authorised patent agent.

Strike out whichever is inapplicable.

FORM 43

THE PATENTS ACT, 1970

Fee Rs. 60/-.

APPLICATION FOR COMPULSORY LICENCE/UNDER SECTIONS 84, 96 & 97

(See rules 80)

1. State the name (in full) address and nationality.

I/We[1]
.....
hereby apply for the grant of a compulsory licence/under patent No..... of.....dated on the following grounds, namely:—

.....
.....

The Documentary evidence in support of my/our interest and the facts stated above and copies there of are herewith enclosed:—

1.....
2.....
3.....

I/We declare that the facts and matters stated herein are true to the best of my/our knowledge, information and belief.

2. To be signed by applicant(s) or if the applicant(s) is/are absent from India by authorised patent agent.

My/Our address for service in India is:—
.....
.....
Dated this day of.....19....
(Signature)[2].....

TO
The Controller of patents, the patent Office.

Strike out whichever is inapplicable.

FORM 44

THE PATENTS ACT, 1970

1. 60/-.

APPLICATION BY CENTRAL GOVERNMENT FOR ENDORSEMENT OF PATENT UNDER SECTION 86

(See rule 80)

The Central Government hereby apply for an order of the Controller in respect of patent No. for the endorsement of the patent with the words "Licences of right" on the following grounds, namely:—

.....
.....
.....

The documentary evidence in support of this application and copies thereof are herewith enclosed:—

1.....
2.....
3.....

The Central Government delare that the facts and matters stated herein are true to the best of their knowledge information and belief.

The address for service in India is:—

.....
.....
Dated this.....day of.....19....

(Signature)

TO
The Controller of patents, the patent Office.

FORM 45

THE PATENTS ACT, 1970

Fee Rs 60/-

APPLICATION FOR REVOCATION OF A PATENT UNDER SECTION 89

(See rule 80)

1. State the name (in full) address and nationality of applicant(s).

I/We[1]
.....
hereby apply for revocation of patent No.
of.....dated..... for the following reasons, namely:—

2. State the nature of applicant's interest, the facts on which he relies and the grounds on which the application is made.

2.....
.....
.....
.....
The documentary evidence in support of this application and copies there of are herewith enclosed:—

1.....
2.....
3.....

3. To be signed by applicant(s) or if the applicant(s) is/are absent from India, by authorised patent agent.

My/Our address for service in India is:—
.....
.....
Dated this.....day of.....19.....
(Signature)[3].....

TO

The Controller of Patents,†
The Paten Office.

Strike out whichever is inapplicable.

FORM 46

THE PATENTS ACT, 1970

Fee Rs. 50/-.

NOTICE OF OPPOSITION TO APPLICATIONS UNDER SECTIONS 92 AND 93(5).

[*See rules* 82 *and* 87 (2)

To be made in duplicate and shall be accompanied by evidence in support of opposition.

1. State the name (in full), address and nationality.

I/We [1]
.....
hereby give notice of opposition to an application :—

(*a*) under section 92 for the grant of compulsory licence, endorsement of patent or revocation of patent No.....
of.....dated.....;

or

(*b*) under section 93(5) to the revision of the terms and conditions of licence in respect of patent No.....of dated.....,

The reasons for giving this notice are as follows :—
.....
.....

I/We hereby declare that the facts and matters stated herein are true to the best of my/our knowledge, information and belief.
Dated this.....day of..... 19..

2. To be signed by the opponent(s) or authorised patent agent.

(Signature)[2]
.....
To
The Controller of Patents,
The Patent Office.

Strike out whichever is inapplicable.

FORM 47

THE PATENTS ACT, 1970

Fee Rs. 25/-. *Application for settlement of terms of Licence under Section* 88(2).

(*See* rule 83)

To be made in duplicate and shall be accompanied by a statement of negotations.

[1] Insert (in full) name, address and nationality.

I/We[1] declare:—

[2] Insert title of the invention.

[3] Insert (in full) name, nationality and address of patentee.

(*i*) that Patent No.....of.....dated was granted for an invention for[2] to[3].....
...../me/us.

(*ii*) that the said patent has been endorsed with the words "Licences of Right" by an order made by the Controller on.....under section 86/ that the said patent is deemed to have been endorsed with the words "Licences of Right" under section 87 ;

[4] Insert (in full) name, address and nationality of the person requiring the licence.

(*iii*) that I/We have requested the said..... to grant me/us a licence under the said patent/that[4] has/have requested me/us to grant licence/them a licence under the said patent ;

(*iv*) that I/We and the said are unable to agree on the terms of licence ;

(*v*) that the circumstances in which this application is made and the terms of the licence, acceptable to me/us are set forth in the accompanying statement ;

(*vi*) that to the best of my/our knowledge, information and belief the facts and matters stated herein and set forth in the accompanying statement are correct.

I/We request tht the Controller may settle the terms of licence under the said Patent, to be granted to me/us/the said.....

Dated this.....day of 19.....

.....(Signature).....

To

The Controller of Patents,
The Patent Office.

Strike out whichever is in applicable.

FORM 48

THE PATENTS ACT, 1970

Fee Rs. 25/-. *Permission to work the patented Inventions under section* 88(4).

(*See* rule 84)

(To be made in duplicate)

[1] State the name (in full), address and nationality of the applicant.

I/We[1]
hereby apply for permission to work the invention of patent No.....of.....dated granted to.....
for the invention relating to[2]
.....
which has been endorsed with the words "Licences of right" under section 86 or is deemed to be endorsed with the words "Licences of right" under section 87.

[2] State the title of invention.

[3] Insert date of requisition or application to the Controller.

I/We have made a requisition to the patentee under sub-section (1) of section 88/or have applied to the Controller to settle the terms on[3].....
The reasons for making this application are as follows :—

.....
.....

[4] To be signed by applican (s) or authorised patent agent.

I/We hereby declare that the facts and matters stated above are true to my/our knowledge, information and belief, and I/we request that I/we may be permitted to work the invention of the said patent pending agreement with the patentee/decision by the Controller, under such terms as the Controller may think fit to impose. My/Our address for service in India is :—

.....

.....

Dated this.....day of.....19.

(Signature) [4]

To

The Controller of Patents,
The Patent Office.

Strike out whichever is in applicable.

FORM 49

THE PATENTS ACT, 1970

Fee Rs. 60/-. *Application for Revision of terms and conditions of licence under section* 93(5).

[*See* rule 86]

(To be made in duplicate with two copies of evidence).

[1] State the name (in full), address and nationality.

I/We[1]
.....
hereby declare :—

(*i*) that I/we have been holding a licence under patent No. of.....dated..... standing in the name(s) of.....

(*ii*) that the licence was granted to me/us by an order of the Controller dated.....

(*iii*) that the terms and conditions settled have proved to be more onerous than originally expected for the following reasons namely :—

.....

.....

(*iv*) that in consequence thereof I am/we are unable to work the invention except at a loss.

I/We therefore, apply that the said terms and conditions may be revised as follows :—

.....
.....

I/We hereby declare that the facts and matters stated herein are true to the best of my/our knowledge, information and belief.

[4] To be signed by the applicant(s) or by authorised patent agent.

Dated this day of.....19.

(Signature)[4]

To

The Controller of Patents,
The Patent Office.

Strike out whichever is in applicable.

FORM 50

THE PATENTS ACT, 1970

Fee Rs. 50/-.

Application for Registration as a Patent agent.

[*See* rules 94 and 97]

(To be made in duplicate).

I beg to apply for registration as a patent agent under the Patents Act, 1970.

1. Certificate testifying to the character of the candidate should be from a person not related to him and being a district magistrate a Chief Presidency Magistrate of Chief Administrative Officer of the District where the candidate usually resides or any other person whom the Controller thinks fit.

1 A certificate of character from.....is enclosed herewith.

I hereby declare that I am not subject to any of the disqualifications specified in rule 99 of the Patents Rules, 1972, and that the information given below is true to the best of my knowledge, and belief.

1. Name in full beginning with surname, if any (in capital letters)
2. Address of the place of residence.....
3. Principal place of business.....
4. Address of the branch offices, if any.....
5. Father's name
6. Nationality.....
7. Date and place of birth.....
8. Occupation in full.....
9. Particulars of qualifications for registration as a patent agent[a] ...

2. Either original diplomas, certificates and other documents in support of qualifications claimed and copies thereof duly attested by a Magistrate or a Notary Public must be sent with application. Particulars of experience in a patent agents' office or with a commercial firm of repute may be specified.

10. Whether at any time removed from the register of patent agents and if so, the reasons for such removal.....

I also hereby declare that I have been practising as a patent agent since.....in my own name/under the name and style of..... or with.....and I have filed not less 5 complete specifications in connection with applications for patents a list of which is appended hereto.

Dated this.....day of.....19 .

(Signature).....

To

The Controller of Patents,
The Patent Office.

Strike out whichever is inapplicable.

FORM 51

THE PATENTS ACT, 1970

Fee Rs. 50/-. *Application for the restoration of the name of a person to the Register of Patent Agents.*

[*See* rule 102]

(To be made in triplicate)

1. Insert the name (in full) and address. I[1].....
.....
hereby apply for the restoration of name to the Register of patent agents which was removed on..... under section 130 of the Patents Act, 1970. My name was originally entered in the Register of Patent

2. Date of Original registration to be entered here. On the[2].....
Agents/on the.....Under no.....

3. To be Signed by the applicant : Dated this.....day of.....19.
(Signature)[3].....

To
The Central Government,
Through the Controller of Patents,
The Patent Office.

FORM 52

THE PATENTS ACT, 1970

Fee Rs. 10/-. *Application for alteration of an entry in the register of Patent Agents.*

[*See* rule 103]

(To be made in triplicate)

1. Insert name (in full) and address. I[1].....
.....
a patent agent (Registration No.....) hereby request that[2] my name, address of my principal place of business or branches or qualifications entered in the register of patent agents may be altered as follows :—

2. To be signed by the applicant. Dated this.....day of.....19.
(Signature).....

To
The Controller of Patents
The Patent Office.

FORM 53

THE PATENTS ACT, 1970

Fee Rs. 15/-. *Request for correction of clerical errors under section 78(1).*

[*See* rule 107]

(To be made in duplicate)

1. Insert the name (in full) address and nationality. I/We [1].....
hereby request that the clerical errors) in the patent No. of.....dated.....
specification filed along with or document filed in pursuance of or in application for patent No.....of.....
.....dated.....
in the entries in the register of patents in respect of patent No. of.....dated may be corrected in the manner shown in red ink in the copy thereof hereto annexed.

2. To be signed by the person(s) making the request or authorised patent agent. My/Our address for service in India is :—
.....
.....
Dated this.....day of.....19
(Signature)[3].....

To
The Controller of Patents,
The Patent Office.

Strike out whichever is inapplicable.

FORM 54

THE PATENTS ACT, 1970

Fee Rs. 10/-.

Notice of Opposition to a request for the correction of a clerical error under section 78(5).

[*See* rule 109]

(To be made in duplicate and shall be accompanied by two copies of the statement).

1. State the name (in full), address and nationality.

I/We[1]
.....
hereby give notice of opposition to the correction of a clerical error in the patent No. of
dated/Specification filed along with or document filed in pursuance of or in application for patent No. of
dated/In the entries in the register of patents in respect of patent No. of
dated, which correction has been requested for by

The grounds on which the aid request is opposed are as follows :—

.....

.....

My/Our address for service in India is :—

.....

Dated this day of 19 .

2. To be signed by opponent(s) or authorised patent agent.

(Signature)[2]

To

The Controller or Patents,
The Patent Office.

Strike out whichever is inapplicable.

FORM 55

THE PATENTS ACT, 1970

Fee Rs. 30/-.

Application for review of controller's Decision under section 77(1)(f)

[*See* rule 115(1)]

(To be made in duplicate/triplicate and shall be accompanied by two/three copies of the statement).

1. State the number of patent application or patent and the relevant proceeding.

In the matter of[1]

2. State the name, address, and nationality of the applicant.

I/We[2]
being the applicant/opponent/party in the above matter hereby apply for the review of the decision of the Controller dated the in the above matter.
The grounds for making this application are set forth in the accompanying statement.
Dated this day of 19 .

3. To be signed by the applicant(s) or authorised patent agent.

(Signature)[3]

To

The Controller of Patents,
The Patent Office.

Strike out whichever is inapplicable.

FORM 56

THE PATENTS ACT, 1970

Fee Rs. 30/- *Application For Setting aside Controller's Order Under Section 77(1)(g)*

[*See* rule 115(2)]

(To be made in duplicate/triplicate and shall be accompanied by two/three copies of the statement).

1. State the number of application for patent or patent and the relevant proceeding.

In the matter of[1].....

2. State the name, address and nationality of the applicant.

I/We[2]

being the applicant/opponent/party in the above matter hereby apply for setting aside the order of the Controller passed ex parte dated the in the above matter.

The grounds for making this application are set forth in the accompanying statement.

Dated this.....day of.....19 .

3. To be signed by the applicant(s) or authorised patent agent.

(Signature)[3].....

To

The Controller of Patents,
The Patent Office.

Strike out whichever is inapplicable.

FORM 57

THE PATENTS ACT, 1970

Fee Rs. 25/-. *Request for extension of Time.*

(*See* rule 115)

1. State the number of patent or application for patent and the relevant proceeding.

In the matter of[1].....

2. State the name, address and nationality.

I/We[2]

hereby apply for extension of time for a period of one month.

(*i*) for filing an application for review of the decision of the Controller under rule 115(1)

(*ii*) for filing an application for setting aside the order of the Controller under rule 115(2).

The reasons for making this request are as follows:—

3. To be signed by the applicant(s) or authorised patent agent.

Dated this.....day of.....19
(Signature)[3].....

To

The Controller of Patents,
The Patent Office.

Strike out whichever is inapplicable.

FORM 58

THE PATENTS ACT, 1970

Statement regarding the working of the Patented Invention on a commercial scale in India under Section 146(2).

(*See* rule 117)

No Fee.

In the matter of Patent No. of

I/We[1]

.....

the patentee(s) or licensee(s) under Patent No. hereby furnish the following statement regarding the working of the patented invention referred to above on a commercial scale take in India for the years[2]—

[3]. Give whatever details are available.

(*i*) the manner and the extent to which my/our patent has been worked;
(*ii*) the licences and sub-licences granted during the year;
(*iii*) details regarding the undertaking through which my/our invention has been worked;
(*iv*) difficulties faced in the working of the abovementioned invention.

The facts and matters stated above are true to the best of my/our knowledge, information and belief.

Dated this day of

[4]. To be signed by person(s) giving the statement.

(Signature[4])

To

The Controller of Patents,
The Patent Office.

Strike out whichever is inapplicable.

FORM 59

THE PATENTS ACT, 1970

Application for Duplicate Patent under Section 154

(*See* rule 118)

Fee Rs. 50/-.

I/We[1]

.....

.....

regret to inform you that the patent bearing No.

..... of dated

granted to[2]

.....

has been[3]

.....

[1]. Insert the name (in full), address and nationality.

[2]. Insert name of original grantee.

[3]. Insert the word 'lost' or 'destroyed', as the case may be, and state the circumstances under which it is lost or destroyed. If the patent cannot be produced, the reasons for its non-production should also be given. Also state the interest possessed by the applicant or applicants in the patent.

I/We declare that the facts and matters stated herein are true to the best of my/our knowledge, information and belief.

I/We therefore request that a duplicate of such patent be supplied to me/us.

Dated this day of 19

[4]. To be signed by applicant(s) or authorised patent agent.

(Signature)[4]

To

The Controller of Patents,
The Patent Office.

FORM 60

THE PATENTS ACT, 1970

Fee Rs. 25/-

REQUEST FOR CERTIFIED COPIES OF ENTRIES IN THE REGISTER OF PATENTS UNDER SECTION 72 AND FOR A CERTIFICATE UNDER SECTION 147.

(*See* rule 119)

In the matter of Patent No.....of.....

I/We[1]

hereby request you to furnish me/us with certified copy of.... /a certificate to the effect that[2].....

.....

.....

.....

.....

and to send the certified copy/certificate to

.....

.....

The purpose for which the certified copy/certificate is required is as follows :—

.....

.....

Dated this.....day of.....19....

(Signature)[3]

To

The Controller of Patents,
The Patent Office.

1. Insert name, address and nationality.

2. Set out the particulars which the Controller is requested to certify and particulars of copies of documents which are annexed to the certificate.

3. To be signed by persons(s) making the request or authorised patent agent.

Strike out whichever is inapplicable.

FORM 61

THE PATENTS ACT, 1970

Fee Rs. 10/-

REQUEST FOR INFORMATION AS TO A MATTER AFFECTING A PATENT OR AN APPLICATION THEREFOR UNDER SECTION 153.

(*See* rule 120)

In the matter of Patent (Patent application) No.....

I/We[1]

.....

hereby request you to furnish me/us with the following information affecting the patent/patent application aforesaid :—

[2]

.....

.....

.....

.....

.....

Dated this.....day of.....19....

(Signature)[3]

To

The Controller of Patents,
The Patent Office.

1. Insert name in full and address.

2. Here set but the particulars as to the matter in respect of which information is sought.

3. To be signed by the person(s) seeking information or authorised patent agent.

Strike out whichever is inapplicable.

FORM 62

THE PATENTS ACT, 1970

To be stamped under the Indian Stamp Act, 1899 (2 of 1899).

FORM OF AUTHORISATION OF A PATENT AGENT OR ANY PERSON IN A MATTER OR PROCEEDING UNDER THE ACT (Section 127/132).

(*See* rule 127)

[1] Insert the name (in full), address and nationality.

[2] Insert the name (in full), address and nationality of patent agent or any other person.

[3] State the particular matter or proceeding for which the patent agent or a person is appointed giving the reference number if known.

[4] To be signed by the person(s) appointing the agent.

I/We[1]
.
.

hereby authorise [2]
of
to act on my/our behalf in connection with[3]
.
and request that all notices, requisitions and communications relating thereto may be sent to such agent at the above address.

I/We hereby revoke all previous authorisations, if any made, in respect of the same matter or proceeding.

Dated this.....day of..... 19 .

(Signature)[4]

TO

The controler of patents, the patent office.

Strike out whichever is incapplicable.

THE THIRD SCHEDULE

FORM OF PATENT

(See rule 57)

GOVERNMENT OF INDIA

The Patent Office ...

No. of 19

Whereas has declared that he is in possession of an invention for and that he is the true and first inventor thereof (or the legal representative or assignee of the true and first inventor) and that he is entitled to a patent for the said invention, having regard to the provisions of the Patents Act, 1970 and that there is no objection to the grant of a patent to him;

And whereas he has, by an application, requested that a patent may be granted to him for the said invention;

And whereas he has by and in his complete specification particularly described and ascertained the nature of the said invention and the manner in which the same is to be performed;

Now, these presents that the above-said applicant (including his legal representatives and assignees or any of them) shall, subject to the provisions of the Patents Act, 1970 and the conditions specified in section 47 of the said Act, and to the conditions and provisions specified by any other law for the time being in force, have the exclusive privilege of making using, exercising, selling or distributing any article or substance in India/using or exercising the method or process in India, for a term of five years/seven years/fourteen years from the.... day of 19, and of authorising any other person to do so, subject to the conditions that the validity of this patent is not guaranteed and that the fees prescribed for the continuance of this patent are duly paid.

In witness thereof, the Controller has caused this patent to be sealed as of the day of 19.....

Controller of Patents.

Date of sealing

NOTE.—The fees for renewal of this patent, if it is to be maintained, will fall due on day of 19, and on the same day in every year thereafter.

THE FOURTH SCHEDULE

Scale of costs allowable in proceedings before the Controller.

(*See* proviso to rule 122)

Entry No.	Matter in respect of which cost is to be awarded	Amount Rs. P.
1.	For notice of opposition under sections 25, 57, 60, 63 and 78.	50·00
2.	For applications for compulsory licence or endorsement of patents under sections 84(1), 86(1), 89(1), 93(5), 96(1) and 97(1).	60·00
3.	For notice of opposition under sections 92(2) and 93(5).	50·00
4.	For notice of intention to attend hearing.	50·00
5.	Stamp for power of attorney, where a patent agent or other person has been appointed.	The amount actually paid.
6.	Stamp fee in respect of relevant affidavits.	The amount actually paid.
7.	For written statement under rule 36.	50·00
8.	For reply statement under rule 37.	50·00
9.	For each affidavit, if relevant.	25·00
10.	For each document or publication produced in any proceeding, if relevant.	25·00
11.	For each unnecessary or irrelevant affidavit or citation .	25·00
12.	For every day or part of a day of hearing before the Controller.	25·00

THE FIFTH SCHEDULE

(*See* rule 127)

Amendments to the Indian Patents and Designs Rules, 9133.

1. Rule 1 — In sub-rule (1), omit "Indian Patents and".

2. Rule 2 — (i) in clause (a), omit "Indian Patents and",
(ii) in clause (b), omit "an invention or" and "as the case may be",
(iii) for clause (c), substitute—

'(c) "Controller" means the Controller General of Patents, Designs and Trade Marks, appointed under sub-section (1) of section 4 of the Trade and Merchandise Marks Act, 1958 (43 of 1958)

(iv) for clause (d), substitute—

'(d) "Office" means the patent office referred to in section 74 of the patents Act, 1970 (39 of 1970.)'

3. Rule 3 — In sub-rule (2), omit "to a patentee or," and "register of patents or," "as the case may be" and "or notice of opposition."

4. Rule 4. — Omit "a patentee or", "patent or the" and "patentee."

5. Rule 5. — In sub-rule (1), omit "the grant of patents and," "patents and" and the proviso.

6. Rule 6. Omit the proviso.

7. Omit Chapter II

8. Rule 48.—for sub-rule (4), substitute,—

"(4) The applicant may, after delivery to him of the copy of the registered proprietor's counter-statement, leave at the office, evidence by way of affidavits in support of his case and shall also deliver to the registered proprietor a copy thereof.

(5) The registered proprietor may, after delivery to him of the applican's evidence, leave at the office evidence by way of affidavits in support of his case and shall also deliver to the applicant a copy thereof.

(6) The applicant may, after delivery to him of a copy of the registered proprietor's evidence leave at the office evidence in reply by way of affidavits and shall also deliver to the registered proprietor a copy of such evidence.

(7) No further statement or evidence shall be left by either party except by leave of or on requisition by the Controller.

(8) Where a document in a language other than English is referred to in any statement or affidavit filed in connection with an application under section 51A or opposition thereto, an attested translation of that document shall be furnished in duplicate.

(9) The time allowed for filing the counter-statement or for leaving evidence by way of affidavits shall ordinarily be one month which may be extended only by a special order of the Controller given on a petition made by the party seeking extension of time:

Provided that the extension so granted shall in no case exceed three months in the aggregate.

(10) On completion of the filing of the statement and the evidence referred to in sub-rules (3) to (8) or at such other time as he may decide, the Controller shall appoint a time for the hearing of the application and shall give the parties not less than ten days' notice of such hearing.

(11) If either party desires to be heard, he shall give to the Controller a notice in Form 7 of his intention to attend the hearing.

(12) If, at the hearing, either party intends to refer to any publication, he shall give to the Controller and to the other party not less than five days' notice of such intention, together with the details of the publication to which he intends to refer.

(13) After hearing the party or parties desirous of being heard or without a hearing, if neither party desires to be heard or attends the hearing, the Controller shall decide on the application and the opposition, if any, and notify his decision to the parties.".

9. In the heading to Chapter IV, omit "Patents and".

10. Omit rules 49 to 51.

11. Rule 53, omit "patentee or".

12. Rule 54—Omit "to a patent or", "patent or" and "as the case may be".

13. Rule 56—Omit "of a patent or".

14. Rule 58—For "registers", substitute "register of designs", and omit "of a patent, or".

15. Rule 59—For "Registers of Patents and Designs", substitute "Register of Designs".

16. Rule 60—Omit "Patents or".

17. Rule 61—(i) Re-number the existing rule as sub-rule (1) thereof, and in sub-rule (1) as so re-numbered, omit "the Register of Patents or" and "and the procedure for the disposal of such opposition shall be regulated by the provisions of rules 20, 21 and 22";

(ii) After sub-rule (1) as so re-numbered, insert—

"(2) The opponent shall, within fourteen days of giving notice of opposition, leave at the office his written statement in duplicate setting out the nature of his interest, the facts upon which he bases his opposition and the relief which he seeks.

(3) The Controller shall furnish the applicant with a copy each of the notice of opposition and the written statement.

(4) The procedure specified in sub-rules (4) to (13) of rule 48 relating to leaving evidence and hearing shall, so far as may be, apply to the hearing of the application under section 54 as they apply to the hearing of an application under section 51A.".

18. Rule 62.—In clause (a) of sub-rule (3), omit "In appeals under Section 9, 10(1A), 16 and 17 of the Act".

19. Rule 63.—For "registers" substitute "register of designs" and omit "patents, specifications".

20. Omit rule 63A.

21. Omit rule 63D.

22. Rule 64.—Omit "for a patent or" and "refused, or, as the case may be".

23. *The First Schedule* :—

(i) omit entries Nos. 1 to 24;
(ii) in entry No. 25, omit "an unpatented invention or" and "40 or";
(iii) in entry No. 34 omit "of specifications etc." and for "Drawing" substitute "Copies of representations of designs";
(iv) omit entry No. 37A;
(v) in entries Nos. 41, 43 and 45, omit "of Patents or" and "or of the coming into force of these Rules";
(vi) in entries Nos. 42 and 44, omit "of Patents or" and "and the coming into force of these Rules";
(vii) in entry No. 46, omit "of Patents or", "the grant of patent" and "and the coming into force of these Rules";
(viii) in entry No. 48, omit "20 or";
(ix) in entry No. 52, omit "5, 9, 10(1A), 16, 17".

24. In the second Schedule,—

(i) for the List of Forms, substitute,—

"*List of Forms*

Form No.	Section of the Act or Rule	Title
4	Rule 38A	Application for extension of time
5	43, 69	Appeal.
7	Rule 48 or 61	Notice of intention to attend hearing.
14	40, 52	Notice of intended exhibition or publication of an unregistered design.
15	43	Application for registration of design.
16	78A	Application for registration of design under reciprocal arrangements.
17	43	Application for registration of design applicable to a set.
18	Rule 41	Request for grounds of decision.
19	47	Application for extension of copyright.
20	51	Request for information when registration number is furnished.
21	51	Reques for information when registration number is furnished.
22	51A	Application to the Controller to cancel registration of design.
23	Rule 53	Request to alter name or address or address for service in Register.
24	20, 46	Request for entries of two addresses in Register.
25	63	Application for entry in Register.
26	63	Application for entry in Register.
27	Rule 53	Application for entry of notification of documents in Register.
28	62	Request for correction.
29	59 (Rule 63)	Request for certificate.
30	64	Application for rectification of Register.
31	76	Power of authority to agent".

(ii) In the heading to all the Forms,
omit "Indian Patents and";
(iii) Omit Forms 1, 1A, 1B, 1C, 1AC, 1CC, 2, 2A, 2C, 2AC, 3, 3A, 6, 8, 9, 10, 11, 11A, 11B, 11C, 12, 13 and 29A;
(iv) In Form 4,—
(a) for "Sections 4A, 5, 10, 14 or Rule 11 or 38A", substitute "[See rule 38A]";
(b) omit items (a) to (d).

(v) In Form 5, omit "Sections 5, 9, 10(1A), 16, 17," and items (a) to (i).
(vi) In Form 7, for "Sections 9, 10(1A), 16, 17, 23D(5), 24 or 61", substitute "[See rules 48(ii) and 61.]"

(vii) In Form 23,—

(a) omit "of Patents or" and "Patent No.....of.....";

(b) for "Register of Patents", substitute "Register of Designs".
Designs

(c) In the Note, omit "Patent or".

(viii) In Form 24,—

(a) for "Register of Patents/Designs" in the two places they occur, substitute "Register of Designs";

(b) omit "20 or" and Patent No.....of.....".

(ix) In Form 25,—

(a) for "Register of Patents/Designs" in the two places they occur, substitute "Register of Designs";

(b) omit "of Patent(s) No(s)[1].....of granted to[2].....of which the title is[3]..... ..";

(c) omit marginal notes 2 and 3;

(d) in the footnote,—

(A) omit "or the coming into force of the Indian Patents and Designs Rules, 1933";

(B) omit "patent or" wherever occurring .

(x) In Form 26,—

(a) for "Register of Patents/Designs" in the two places they occur, substitute "Register of Designs";

(b) omit "in Patent(s) No.(s).....of.....granted to[2].....of which the title is[4].....";

(c) omit marginal notes 3 and 4;

(d) In the footnote,—

(A) omit "or the coming into force of the Indian Patents and Designs Rules, 1933";

(B) omit "patent or" wherever occurring.

(xi) In Form 27,—

(a) for "Register of Patents/Designs", substitute "Register of Designs";

(b) omit "29 or" and Patent(s)";

(c) in the footnote,—

(A) omit "the grant of the patent or" and "or the coming into force of the Indian Patents and Designs Rules, 1933";

(B) omit "patent or" wherever occurring.

(xii) In Form 29,—

(a) omit "Patent No[1].....of.....";

(b) for the marginal heading No. 1, substitute "1 Insert number and class of design".

(xiii) In Form 30,—

(a) for "Register of Patents/Designs", substitute "Register of Designs";

(b) for "Patents/Design" substitute "Design";

(c) in the marginal heding No. 2, omit "Patent or of".

25. Omit the Third Schedule.

26. In the Fifth Schedule,—

(i) in entry No. 1, for "Sections 9, 16 and 17 and Rules 33 and 61", substitute "Rule 48 and Rule 61";

(ii) Omit entries Nos. 2 and 3;

(iii) in entry No. 8, Omit "Rule 21(1) or";

(iv) in entry No. 9, omit Rule 21(2) or".

[No. F.33(1)-PP&D/71]

S.O. 302(E).—Whereas for the fulfilment of arrangements with the United Kingdom, New Zealand, Eire, Ceylon and Canada, which afford to applicants for patents in India or to citizens of India similar privilages as are granted to their own citizens in respect of the grant of patents and the protection of patent rights, it is necessary so to do;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 133 of the Patents Act, 1970 (39 of 1970), the Central Government hereby declares each of the said countries, namely, the United Kingdom, New Zealand, Eire, Ceylon and Canada, to be a convention country for all the provisions of the Act.

[No. F. 21(1)-SP&D/72.]

S.O. 303(E).—In exercise of the powers conferred by sub-section (3) of section 74 of the Patents Act, 1970 (39 of 1970), the Central Government hereby specifies that the head office of the patent office shall be at Calcutta.

[No. F. 33(35)-SP&D/71.]

R. K. TALWAR, Jt. Secy.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, 1972